



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 3. DEPARTMENT OF PESTICIDE REGULATION

Continuing Education Records and Course Approval
DPR Regulation No. 11-003

NOTICE OF PROPOSED REGULATORY ACTION

The Department of Pesticide Regulation (DPR) proposes to amend Title 3, California Code of Regulations (3 CCR) sections 6512 and 6513. The proposed regulatory action would require instructors or sponsoring organizations (providers) of continuing education (CE) courses to submit the records to DPR electronically within 14 days of course completion by the licensee or certificate holder (licensee), require providers and licensees to maintain the date of course completion in their records, and include a criteria for denying approval of a CE course submitted by a provider.

SUBMITTAL OF COMMENTS

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on July 12, 2011. Comments regarding this proposed action may also be transmitted via e-mail <dpr11003@cdpr.ca.gov> or by facsimile transmission at (916) 324-1452.

A public hearing has been scheduled for the time and place stated below to receive oral comments regarding the proposed regulatory changes.¹

DATE: July 11, 2011

TIME: 1:30 p.m.

PLACE: California Environmental Protection
Agency Headquarters Building
Sierra Hearing Room
1001 I Street
Sacramento, California 95814

¹ If you have special accommodation or language needs, please notify DPR. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.

A DPR representative will preside at the hearing. Persons who wish to speak will be asked to register before the hearing. The registration of speakers will be conducted at the location of the hearing from 1:00 to 1:30 p.m. Generally, registered persons will be heard in the order of their registration. Any other person who wishes to speak at the hearing will be afforded the opportunity to do so after the registered persons have been heard. If the number of registered persons in attendance warrants, the hearing officer may limit the time for each presentation in order to allow everyone wishing to speak the opportunity to be heard. Oral comments presented at a hearing carry no more weight than written comments.

EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action affects small businesses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

DPR protects human health and the environment by regulating pesticide sales and use and by fostering reduced-risk pest management. DPR's strict oversight begins with product evaluation and registration, and continues through statewide licensing of commercial and private applicators, pest control businesses, and consultants; environmental monitoring; and residue testing of fresh produce.

DPR is committed to increasing efficiency and streamlining processes to better serve the public. Significant increases in efficiency rest on improving several of the online services that are currently available to the public, as well as introducing others. For example, DPR's basis for proposing CE reporting by providers is to establish a process to accept online renewals for licensees. Some of our other plans include developing internet options so that the public can apply for new licenses, schedule examinations, and possibly take examinations online. This is particularly important for the online renewal which includes verifying that our pesticide applicators have taken sufficient CE classes. CE is an important validation of qualifications, and the one alternative that we can offer to our licensees as a substitute to taking a competency examination every two years.

DPR's Licensing and Certification Program administers examinations for two-year certificates or licenses to all applicants who meet DPR requirements. Pest control aircraft pilots, qualified pesticide applicators, and agricultural pest control advisers are all required to obtain CE hours in order to renew their licenses and certificates. The purpose of CE is to ensure that licensees

keep their knowledge current in the area of pest control laws and regulations; provide proper, safe, and efficient pesticide use; protect public health, environment, and property; and encourage safe working conditions for agricultural and pest control workers. Licenses and certificates cannot be renewed unless the minimum CE hours relating to laws, regulations, pesticides, and pest management are completed within each two-year period. Failure to complete the required CE hours results in loss of the license or certificate, making re-examination necessary for reinstatement. Since CE recertification is done in lieu of re-examination, accurate CE records are vital in ensuring that pest management professionals are competent and safety conscious.

3 CCR section 6512 outlines the process for a provider to apply for DPR approval of a CE course. Proposed subsection (g) would specify that the Director may withhold course approval if courses are materially or substantially misrepresented in literature or advertisement, or if records are not kept or submitted as specified in 3 CCR section 6513. The proposed amendment is meant to deter fraudulent advertising of specific credit hours as being approved by DPR when they are not. This proposed amendment would not penalize licensees for taking a course that was falsely advertised without their knowledge, but it may affect approval of future CE applications submitted by a provider.

Currently, 3 CCR section 6513 requires the provider of CE courses to maintain records for three years from the licensee's course completion date. Additionally, each licensee is required to maintain their own records for three years of all approved CE hours acquired. Both providers and licensees are required to submit CE course records to DPR upon request. Licensees receive this request at time of their renewal.

DPR proposes to amend 3 CCR section 6513 to require each record to include the date of course completion. This date is important because a licensee must have completed the CE within the time frame that the license is active in order to renew without re-examining. The date of course completion, along with the course name, will become the primary verification that the course was taken during the appropriate two-year license period.

DPR proposes to require the provider to electronically submit specific information to DPR within 14 days of course completion for each licensee. The provider may use a third party entity to comply with the reporting requirements. Provider's CE records are to be submitted to DPR over the Internet using the Department's online Web site or via an electronic data file transfer process. This proposed amendment will ensure a more efficient and timely renewal for licensees as well as be a much

more improved and streamlined process by utilizing Internet technology.

IMPACT ON LOCAL AGENCIES AND SCHOOL DISTRICTS

DPR has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the state pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a "new program or higher level of service of an existing program" within the meaning of section 6 of Article XIII of the California Constitution. DPR has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action. DPR assumes that local agency providers maintain CE records in some type of electronic format. Therefore, the proposed amendment to require providers to submit the records electronically would not create additional data entry work for these agencies.

COSTS OR SAVINGS TO STATE AGENCIES

DPR has determined that no increased costs to any state agency will result from the proposed regulatory action. As mentioned above, DPR assumes that state agency providers maintain CE records in some type of electronic format. Therefore, the proposed amendment to require providers to submit the records electronically would not create additional data entry work for these agencies.

EFFECT ON FEDERAL FUNDING TO THE STATE

DPR has determined that no costs or savings in federal funding to the state will result from the proposed action.

EFFECT ON HOUSING COSTS

DPR has determined that the proposed action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

DPR has made an initial determination that the adoption of this regulation would have no significant, statewide adverse economic impact directly affecting busi-

nesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

DPR has made an initial determination that the adoption of this regulation will not have a significant cost impact on private persons or businesses. The CE provider's record keeping procedures may require minimal modification in order to submit the records electronically to DPR but will not result in significant change to the existing level of record keeping. The initial adjustment to the process should be minor with guidance from DPR, and no ongoing costs are anticipated.

IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS

DPR has determined it is unlikely that the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California.

CONSIDERATION OF ALTERNATIVES

DPR must determine that no reasonable alternatives considered by the agency or that have otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the regulatory action.

AUTHORITY

This regulatory action is taken pursuant to the authority vested by FAC sections 11502.5 and 11456.

REFERENCE

This regulatory action is to implement, interpret, or make specific FAC sections 11502.5, 11791, 11792, and 12991.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

DPR has prepared an Initial Statement of Reasons and has available the express terms of the proposed action, all of the information upon which the proposal is

based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, DPR may make the regulations permanent if they remain substantially the same as described in the Informative Digest. If DPR does make substantial changes to the regulations, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments on any changes for 15 days after the modified text is made available.

AGENCY CONTACT

Written comments about the proposed regulation action; requests for a copy of the Initial Statement of Reasons, and the proposed text of the regulation, and inquiries regarding the rulemaking file may be directed to:

Linda Irokawa-Otani, Regulations Coordinator
Department of Pesticide Regulation
1001 I Street, P.O. Box 4015
Sacramento, California 95812-4015
(916) 445-3991

Questions on the substance of the proposed regulatory action, particularly technical or historical questions concerning this proposal, may be directed to:

Natalya Eagan, Environmental Scientist
Pest Management and Licensing Branch
(916) 324-4245

The Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>. Upon request, the proposed text can be made available in an alternate form as a disability-related accommodation.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and may be accessed at <<http://cdpr.ca.gov>>.

TITLE 14. FISH AND GAME COMMISSION

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203, 355, 3680 and 3800 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 215, 220, 355, 356, 3680, 3801 and 3801.5 of said Code, proposes to amend sections 300, 311 and 472, Title 14, California Code of Regulations, relating to upland game hunting.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 300, Title 14, CCR, Re: Upland Game Birds

Current regulations provide general hunting seasons for taking resident game birds. The Department is recommending 2 changes, including a range of permit numbers for the 2011 sage-grouse hunting season and changing the regulation for white-winged dove harvest to make it consistent with proposed changes to Federal regulations.

Existing regulations provide a number of permits for the general sage-grouse season in each of 4 zones. These specific numbers are replaced by a range of numbers for the 2011 season as listed below. The final number will be proposed in June after spring lek counts are completed and annual data are analyzed.

Permit ranges for sage-grouse hunting in 2011:

- East Lassen: 0–50 (2–bird) permits
- Central Lassen: 0–50 (2–bird) permits
- North Mono: 0–100 (1–bird) permits
- South Mono: 0–100 (1–bird) permits

Existing regulations in Section 300(a)(3)(F)(2) provide for take by falconry and establish a 1 bird per day, 2 bird per season limit in the North Mono and South Mono zones. This regulation is inconsistent with sub-sections 300(a)(1)(D)(2) and 300 (a)(2)(D)(2) where the bag and possession limits are 1 per day and 1 per season, in the North Mono and South Mono zones.

Also, minor editorial changes are proposed to clarify and simplify the regulations.

Existing regulations permit white-winged dove harvest in San Bernardino, Riverside and Imperial counties. A proposal to amend the federal regulations to permit white-winged dove harvest throughout California and the entire Pacific Flyway has been made by the Pa-

cific Flyway. If adopted by the Federal government, federal regulations would permit the harvest of white-winged doves throughout California. The proposal would make the state regulation consistent with the Federal regulation.

Additionally, an alternative is provided to consider an early youth-only hunt for chukar and quail in the Mojave National Preserve. This proposal from the National Park Service would provide for a youth-only hunt for chukar and quail for the first Saturday in October extending for two days. Existing regulations for general quail season in Zone Q3 (balance of the state excluding Zone Q2) open the quail and chukar seasons on the third Saturday in October and extend through the last Sunday in January.

Amend Section 311, Title 14, CCR, Re: Methods Authorized for Taking Resident Small Game

Current regulations provide methods authorized for taking resident small game. Air rifles are authorized for taking resident small game with a minimum of a 0.20 caliber for taking wild turkeys. This proposal would change regulations to allow a minimum of a 0.177 caliber for taking wild turkeys.

Amend Section 472, Title 14, CCR, Re: Non-game Animals

Under current regulations (Section 472, Title 14, CCR), only English sparrow and starling, both non-native, non-game birds, may be taken at any time of the year and in any number. The Fish and Game Code (Section 3680) however, provides for the take of domestic pigeon, in addition to English sparrow and starling (Section 3801).

The proposed regulatory change will improve the consistency of California Code of Regulations, Title 14, Section 472 with Fish and Game Code (Section 3680) and clearly provide for the take of domestic pigeons.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, on all options relevant to this action at a hearing to be held at the Lexington Plaza Waterfront Hotel, 110 West Fremont Street, Stockton, California, on Thursday, June 30, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, on all actions relevant to this action at a hearing to be held at the State of California, Resources Agency Building Auditorium, 1416 Ninth Street, Sacramento, California, on Thursday, August 4, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or

before July 28, 2011, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on August 1, 2011. All comments must be received no later than August 4, 2011, at the hearing in Sacramento, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Jon K. Fischer, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sheri Tiemann at the preceding address or phone number. **Dr. Eric Loft, Chief, Wildlife Programs Branch, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

There are no economic or business impacts foreseen or associated with the proposed regulation change.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on Any Local Agency or School District that is required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 14. FISH AND GAME COMMISSION

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 202 and 355 of the Fish and Game Code and to implement, interpret or make specific sections 202, 355 and 356 of said Code, proposes to amend Section 502, Title 14, California Code of Regulations, relating to waterfowl hunting.

INFORMATIVE DICIEST/POLICY STATEMENT OVERVIEW

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and establish daily bag and possession limits. In addition to the five proposals contained herein, the U.S. Fish and Wildlife Service (Service), after analysis of waterfowl population survey and other data, may change federal regulations; if this occurs, changes in existing and proposed regulations in California may be necessary. Changes in federal regulations for season opening and closing dates, elimination or creation of special management areas, season length, and daily bag limits for migratory birds may occur. Items 1, 2, and 4 require changes in the federal regulations and must be approved by the Pacific Flyway Council at its meeting on July 21, 2011. Item 5 (including the table below) provides a proposed range of season dates and bag limits

for waterfowl. The Service will consider recommendations from the Flyway Council at their meeting on July 28, 2011. At this time, the California Waterfowl Breeding Population Survey has not been conducted and the Service has not established federal regulation “frameworks” which will occur in August after the analysis of current waterfowl population survey, other data, input from the Flyway Councils and the public. Also, minor editorial changes are proposed to clarify and simplify the regulations and to comply with existing federal frameworks.

The Department’s proposals are as follows:

1. Remove the restriction on the Small Canada goose daily bag limit in the Northeastern Zone.
2. Increase the white-fronted and white goose season length to 105 days in the Balance of State Zone and split the season into two segments.
3. Increase the white-fronted goose daily bag limit to 6 geese per day in the Northeastern, Southern San Joaquin Valley, and Balance of State zones.
4. Extend the white-fronted goose season length in the Sacramento Valley Special Management area by 7 days.
5. Provide a range of waterfowl hunting season lengths (which may be split into two segments) between 38 and 107 days (including 2 youth waterfowl hunt days) for all hunting methods. A range of daily bag limits is also given for ducks in all zones. Federal regulations require that California’s hunting regulations conform to those of Arizona in the Colorado River Zone. See table below for season and bag limit ranges.

Summary of Proposed Waterfowl Hunting Regulations

AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Statewide	Coots & Moorhens	Concurrent w/duck season	25/day. 25 in possession
Northeastern Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Ducks	Between 38 & 105 days	4-7/day, which may include: 3-7 mallards but no more than 1-2 females, 0-3 pintail, 0-3 canvasback, 0-2 redheads, 0-7 scaup. Possession limit double the daily bag.
	Pintail Canvasback Scaup	Between 0 & 105 days	
	Geese	100 days	8/ day, which may include: 6 white geese, 6 dark geese no more than 4-6 white-fronts, 2 Large Canada geese, 1-6 Small Canada goose. Possession limit double the daily bag.
Southern San Joaquin Valley Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Ducks	Between 38 & 105 days	4-7/day, which may include: 3-7 mallards no more than 1-2 females, 0-3 pintail, 0-3 canvasback, 0-2 redheads, 0-7 scaup. Possession limit double the daily bag.
	Pintail Canvasback Scaup	Between 0 & 105 days	
	Geese	100 days	8/ day, which may include: 6 white geese, 6 dark geese no more than 4-6 white-fronted geese. Possession limit double the daily bag.

AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Colorado River Zone	Ducks	Between 38 & 105 days	4-7/day, which may include: 3-7 mallards no more than 1-2 hen mallards or Mexican-like ducks, 0-3 pintail, 0-3 canvasback, 0-2 redheads, 0-7 scaup. Possession limit double the daily bag.
	Pintail Canvasback Scaup	Between 0 & 105 days	
	Geese	Between 101 & 105 days	6/ day, up to 6 white geese, up to 3 dark geese. Possession limit double the daily bag.
Southern California Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Ducks	Between 38 & 105 days	4-7/day, which may include: 3-7 mallards no more than 1-2 females, 0-3 pintail, 0-3 canvasback, 0-2 redheads, 0-7 scaup. Possession limit double the daily bag.
	Pintail Canvasback Scaup	Between 0 & 105 days	
	Geese	100 days	8/day, up to 6 white geese, up to 3 dark geese. Possession limit double the daily bag.
Balance of State Zone <i>Season may be split for Ducks, Pintail, Canvasback, Scaup and Dark and White Geese.</i>	Ducks	Between 38 & 105 days	4-7/day, which may include: 3-7 mallards no more than 1-2 females, 0-3 pintail, 0-3 canvasback, 0-2 redheads, 0-7 scaup. Possession limit double the daily bag.
	Pintail Canvasback Scaup	Between 0 & 105 days	
	Geese	100-105 days (Large Canada geese 105 days)	8/ day, which may include: 6 white geese, 6 dark geese no more than 4-6 white-fronted geese. Possession limit double the daily bag.
SPECIAL AREA	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
North Coast <i>Season may be split</i>	All Canada Geese	105 days except for Large Canada geese which can not exceed 100 days or extend beyond the last Sunday in January.	6/day, only 1 may be a Large Canada goose. Possession limit double the daily bag.
Humboldt Bay South Spit	All species	Closed during brant season	
Sacramento Valley	White-fronted geese	Open concurrently with general goose season through Dec 14-21	2/day. Possession limit double the daily bag.
Morro Bay	All species	Open in designated areas only	Waterfowl season opens concurrently with brant season.
Martis Creek Lake	All species	Closed until Nov 16	
Northern Brant	Black Brant	From Nov 7 for 30 days	2/day. Possession limit double the daily bag.
Balance of State Brant	Black Brant	From the second Saturday in November for 30 days	2/day. Possession limit double the daily bag.
Imperial County <i>Season may be split</i>	White Geese	102 days	6/day. Possession limit double the daily bag.
YOUTH WATERFOWL HUNTING DAYS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone		The Saturday fourteen days before the opening of waterfowl season extending for 2 days.	

AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Southern San Joaquin Valley Zone	Same as regular season	The Saturday following the closing of waterfowl season extending for 2 days.	Same as regular season
Southern California Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Colorado River Zone		The Saturday following the closing for waterfowl season extending for 2 days.	
Balance of State Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
FALCONRY OF DUCKS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	Between 38 and 105 days	3/ day, possession limit 6
Balance of State Zone		Between 38 and 107 days	
Southern San Joaquin Valley Zone		Between 38 and 107 days	
Southern California Zone	Ducks only	Between 38 and 107 days	
Colorado River Zone		Between 38 and 107 days	

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, on all options relevant to this action at a hearing to be held at the Lexington Plaza Waterfront Hotel, 110 West Fremont Street, Stockton, California, on Thursday, June 30, 2011, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, on all actions relevant to this action at a hearing to be held at the State of California, Resources Agency Building Auditorium, 1416 Ninth Street, Sacramento, California, on Thursday, August 4, 2011 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before July 28, 2011, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. **Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on August 1, 2011. All comments must be received no later than August 4, 2011, at the hearing in Sacramento, CA.** If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Jon K. Fischer, Acting Executive Direc-

tor, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sheri Tiemann at the preceding address or phone number. **Dr. Eric Loft, Chief, Wildlife Programs Branch, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations pre-

scribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are intended to provide additional recreational opportunity to the public. The response is expected to be minor in nature.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

- (c) Cost impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on Any Local Agency or School District that is required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

NOTICE OF PROPOSED REGULATORY ACTION AND PUBLIC HEARING CONCERNING

Administrative Citations and Fines for Unlicensed Activity

SPECIFICALLY

Authority to Issue Citations and Fines for Unlicensed Practice; Citation Format; Citations for Unlicensed Practice; Amount of Fines for Unlicensed Practice; Compliance with Citation/Order of Abatement; Contested Citations and Requests for a Hearings or Informal Citation Conference; Disconnection of Telephone Service

NOTICE IS HEREBY GIVEN that the Department of Consumer Affairs/Bureau of Automotive Repair (Bureau or BAR) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at hearings to be held at the following locations on the following dates:

NORTHERN CALIFORNIA

Tuesday, July 5, 2011 at 2:00 p.m.
Department of Consumer Affairs
Hearing Room
1625 North Market Blvd., S-102
Sacramento, CA 95834

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under **Contact Person** in this Notice, must be **received by the Bureau at its office no later than 5:00 p.m. on Tuesday, July 5, 2011**, or must be received by the Bureau at the above referenced hearing. **Comments sent to persons or addresses other than those specified under Contact Person, or received after the date and time specified above, regardless of the manner of transmission, will be included in the record of this proposed regulatory action, but will not be summarized or responded to.** The Bureau, upon its own motion or at the

request of any interested party, may thereafter formally adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit oral or written testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by §9882 of the Business and Professions Code (B&P), to implement, interpret or make specific §125.9, 148, 149, 302(d) of B&P, the Bureau is proposing to adopt Article 11.2 of Chapter 1, Division 33, Title 16, to the California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

INTRODUCTION:

The Bureau of Automotive Repair (BAR) was established within the California Department of Consumer Affairs (DCA) in 1972 with the enactment of the Automotive Repair Act¹. BAR was created by Senate Bill (SB) 51 (Beilenson, Chapter 1578, Statute 971), which mandated a statewide automotive repair consumer protection program. In furtherance of its mandate, BAR administers a statewide licensing and enforcement program.

BACKGROUND:

Through its statewide offices, BAR conducts consumer protection services related to Title 16, Division 33, of the California Code of Regulations. BAR regulates Automotive Repair Dealers, Lamp and Brake stations and adjusters, and Smog Check stations and technicians. BAR receives and mediates complaints from the public, investigates violations of the Automotive Repair Act, Smog Check laws, and associated regulations. When appropriate, cases are referred to the Attorney General's office or law enforcement authorities for administrative action, civil and/or criminal prosecution.

Legislation provided BAR the authority to adopt regulations to issue administrative citations and fines for unlicensed activity pursuant to Business and Professions Code (B&P) Section 125.9. SB 362 (Figueroa,

Chapter 788, Statutes of 2003) increased the maximum citation amount from \$2,500 to \$5,000. Violators operating without a valid license or registration may be issued a citation pursuant to B&P 148. This proposed regulation would allow BAR to fine a person or entity with an expired license or an unlicensed person acting in the capacity of a licensee or registrant, up to \$5,000. The amount of the fine shall be based on the following:

1. The nature, gravity, severity, and seriousness of the violation.
2. The persistence of the violation.
3. The good faith or willfulness of the violator to cooperate with the bureau.
4. The history of previous violations by that violator, including the commission of numerous and repeated violations.
5. The failure to perform work for which money was received.
6. The making of any false or misleading statement in order to induce a person to authorize repair work or pay money.
7. The failure to make restitution to consumers affected by the violation.
8. The extent to which the violator has mitigated or attempted to mitigate any damage or injury caused by the violation.
9. The degree of incompetence or negligence in the performance of duties and responsibilities.
10. The purposes and goals of this chapter and other matters as may be appropriate.

Adopting regulations to utilize the authority pursuant to B&P 148 will assist the BAR in enforcing and reducing the amount of unlicensed activity in California.

CURRENT REGULATION:

No regulations exist for Administrative Citations and Fines for Unlicensed Activity.

EFFECT OF REGULATORY ACTION:

BAR is proposing to adopt the following regulations:

- I. **Article 11.2 Administrative Citations and Fines for Unlicensed Activity, Chapter 1, Division 33, Title 16, California Code of Regulations:** Article 11.2 will be created to contain regulations specific to administrative citations and fines for unlicensed activity.
- II. **Authority to Issue Citations and Fines for Unlicensed Practice:** This section provides BAR the ability to issue and administer citations to an unlicensed person or entity acting in the capacity of a licensee or registrant. The BAR chief has the ability to appoint a designee to determine when and against whom a citation will be issued. (§3394.40)

¹ Business and Professions Code § 9880, et seq.

- III. **Citation Format:** Citations must be in written form and describe the nature and facts for each violation. In addition, the citation shall inform the cited person of his/her right to contest the citation. BAR must serve the citation in person or by certified mail pursuant to §11505(c) of the Government Code. (§3394.41)
- IV. **Citations for Unlicensed Practice:** The BAR chief or his/her designee shall issue citations containing orders of abatement against any person or entity who is performing or who has performed any services for which a license or registration is required. When a citation is issued it must include an order of abatement and may include a fine. Citations issued pursuant to Article 11.2 Administrative Citations and Fines for Unlicensed Activity shall be separate from and in addition to any other civil or criminal actions. (§3394.42)
- V. **Amount of Fines for Unlicensed Practice:** If the BAR chooses to cite a licensee or registrant with an expired license, it shall first issue an order of abatement without a fine to a person or entity with an expired license. The order of abatement will notify the licensee to immediately cease all work and/or any work in progress that requires a valid license or registration. The order of abatement will fix 30 days to pay the license renewal and any delinquency and other fees, after which time the BAR may issue a fine of up to \$5,000. Furthermore, if an expired licensee continues to operate without a valid license or registration BAR may issue a citation, fine, and/or take other disciplinary action.
- BAR may issue administrative citations and fines to any unlicensed person or entity acting in the capacity of a licensee or registrant up to \$5,000. (§3394.43)
- VI. **Compliance with Citation/Order of Abatement:** If the cited person who has been issued an order of abatement cannot complete the correction within the time set in the citation, due to uncontrollable factors and after reasonable diligence, the cited person may request an extension from BAR. The request for an extension must be in writing and within the time set in the citation. If a citation is not contested, or the citation is contested and the cited person does not prevail, failure to correct the violation or pay the fine will be considered a failure to comply with the citation. If a fine is not paid it will be added to the cited person's license or registration renewal fee. Licenses and registrations will not be renewed without the payment of the renewal fee

and fine. This section does not give permission to continue operation without a valid license or registration. (§3394.44)

- VII. **Contested Citations and Request for a Hearing or Informal Citation Conference:** When a citation is contested, the cited person may submit a written request for an administrative hearing or informal citation conference within 10 days after service of the citation. When a request for an informal citation conference is made BAR must hold the conference within 60 days after the receipt of the request. If an informal citation conference is held, the request for an administrative hearing is deemed withdrawn. If the citation is upheld or modified due to the conference, the original citation is withdrawn and a modified citation will be mailed out within 15 days of the informal citation conference. If the cited person wishes to contest the upheld or modified citation a written request for an administrative hearing must be made within 30 days. (§3394.45)
- VIII. **Disconnection of Telephone Service:** BAR may seek the disconnection of telephone service of any unlicensed or unregistered person or entity acting in the capacity of a licensee or registrant. (§3394.46)

FISCAL IMPACT ON PUBLIC AGENCIES INCLUDING COSTS OR SAVINGS TO STATE AGENCIES AND COSTS/SAVINGS IN FEDERAL FUNDING TO THE STATE

BAR will incur minor expenses due to some cited individuals and businesses requesting an Administrative Hearing with an Office of Administrative Hearings and costs associated with the Attorney General providing legal service.

As a result, BAR estimates cost in the first full year of the regulation of \$294,785. This amount is projected and to decrease to \$195,489 in the second year and \$77,575 in the third year and ongoing.

These costs will be fully absorbed due to the collection of fines associated with this regulation.

There are no costs/savings in federal funding to the state.

NONDISCRETIONARY COSTS/SAVINGS TO LOCAL AGENCIES

None.

LOCAL MANDATE

None.

**COSTS TO ANY LOCAL AGENCY OR SCHOOL
DISTRICT FOR WHICH GOVERNMENT
CODE SECTIONS 17500–17630
REQUIRE REIMBURSEMENT**

None.

BUSINESS IMPACT

BAR has made an initial determination that the proposed regulatory action would have no significant state-wide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Benefits cannot be expressed in monetary terms, for instance these regulations will strengthen the BAR's ability to enforce its laws and regulations and provide consumers additional protection. In the first full year of the regulation BAR expects to issue 1,500² citations at an average cost of \$450 resulting in up to \$675,000 in fines. This number is projected to decrease as the industry becomes aware of the fine authority and BAR's ability to use these provisions to fine an unlicensed person or entity. In the second year of the regulation BAR will issue approximately 1,000 citations resulting in approximately \$450,000 in fines. BAR has projected it will issue 400 citations in the third year and ongoing, resulting in approximately \$180,000 in fines annually. Over the lifetime of this proposed regulation BAR will collect an estimated \$2,565,000 in fines from enforcing the statutes of B&P 148.

IMPACT ON JOBS/NEW BUSINESSES

BAR has made an initial determination that the proposed regulatory action will not have any impact on the creation of jobs or new businesses, the elimination of jobs or existing businesses, or the expansion of businesses in the State of California.

**COST IMPACT ON REPRESENTATIVE PRIVATE
PERSON OR BUSINESS**

The proposed regulation will not have an adverse economic impact on businesses or private persons. The proposed regulation will only affect businesses and persons that are operating without a valid license or registration. A fine of up to \$5,000 may be imposed for violations of B&P 148. In order to comply with this regulation a person or entity simply needs to become licensed or registered with BAR.

² BAR estimates the number of unlicensed businesses and individuals based on complaints received from 1/1/2009 to 12/31/2009, sorted by complaints against unlicensed shops.

EFFECT ON HOUSING COSTS

None.

EFFECT ON SMALL BUSINESS

BAR has determined that the proposed regulations would not affect small businesses. Requirements in this proposed regulation are minor and compliance can be achieved by simply becoming licensed with BAR. Requiring businesses and individuals to become licensed is not a new requirement and is already enforced by BAR.

CONSIDERATION OF ALTERNATIVES

BAR must determine that no reasonable alternative, which it considered or that has otherwise been identified and brought to its attention, would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

BAR has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Bureau of Automotive Repair at 10240 Systems Parkway, Sacramento, California, 95827.

**AVAILABILITY OF THE RULEMAKING FILE
AND THE FINAL STATEMENT OF REASONS**

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the persons named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Web site listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

*Steven Hall
Bureau of Automotive Repair
10240 Systems Parkway
Sacramento, CA 95827
Telephone: (916) 255-2135
Fax No.: (916) 255-1369
E-mail: steven.hall@dca.ca.gov*

The backup contact person is:

*Tracy Brazil
Bureau of Automotive Repair
10240 Systems Parkway
Sacramento, CA 95827
Telephone: (916) 255-2279
Fax No.: (916) 255-1369
E-mail: tracy.brazil@dca.ca.gov*

WEB SITE ACCESS

Materials regarding this proposal can also be found on BAR's Web site at www.smogcheck.ca.gov.

TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

NOTICE OF PROPOSED REGULATORY ACTION AND PUBLIC HEARING CONCERNING

Smog Check Licensing Restructure

SPECIFICALLY

Licensing of Smog Check Stations; General Requirements for Smog Check Stations; Smog Check Repair-Only Station Requirements; Smog Check Test-and-Repair Station Requirements; Smog Check Station Service Signs; Licensed Smog Check Station That Ceases Operating As a Licensed Station; Licenses and Qualifications for Smog Check Technicians; Licensing of Smog Check Inspectors and Technicians; General Requirements for Licensed Smog Check Inspectors and Technicians.

NOTICE IS HEREBY GIVEN that the Department of Consumer Affairs/Bureau of Automotive Repair (hereinafter "Bureau" or "BAR") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments

orally or in writing relevant to the action proposed at hearings to be held at the following locations on the following dates:

NORTHERN CALIFORNIA

Tuesday, July 5, 2011 at 10:00am
Department of Consumer Affairs
Hearing Room
1625 North Market Blvd., S-102
Sacramento, CA 95834

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be **received by the Bureau at its office no later than 5:00 p.m. on Tuesday, July 5, 2011**, or must be received by the Bureau at the above-referenced hearing. **Comments sent to persons or addresses other than those specified under Contact Person, or received after the date and time specified above, regardless of the manner of transmission, will be included in the record of this proposed regulatory action, but will not be summarized or responded to.** The Bureau, upon its own motion or at the request of any interested party, may thereafter formally adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit oral or written testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 44014, 44030, 44030.5, 44031.5, 44032, 44033, 44034, 44034.1, 44045.5, and 44045.6 of the Health and Safety Code and Section 9882 of the Business and Professions Code, and to implement, interpret or make specific Sections 44002, 44013, 44014, 44016, 44030, 44030.5, 44031.5, 44032, 44033, 44034, 44034.1, 44036, 44037.1, 44045.5, and 44045.6 of the Health and Safety Code and Section 9882, 9884.19, and 9886.3 of the Business and Professions Code, the Bureau is proposing to adopt the following changes to Article 2, Article 5.5 and Article 6 of Chapter 1, Division 33, Title 16, California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Background

The Bureau of Automotive Repair (BAR), within the Department of Consumer Affairs, is the state agency

charged with implementation and administration of the Smog Check Program (Program). The Program is designed to reduce air pollution from mobile sources, such as passenger vehicles and light-duty trucks, by requiring that these vehicles meet specific emission standards.

Since the Program's inception in 1984, BAR has worked jointly with the automotive inspection and repair industry as a partner in administering a fair and competitive marketplace. Over the years program changes and advancements in automotive technology have left the existing licensing structure behind and disconnected from industry and the marketplace. The continued success of the Program, in part, depends on a license structure that appropriately aligns with industry practices and the marketplace demands.

With this in mind, BAR retained the services of two independent consultants to assess the regulatory structure for licensing individuals and stations providing Smog Check inspections. The consultants' evaluations built upon a formal job assessment conducted by BAR and DCA in 2006. These evaluations included soliciting input from station owners, technicians, fleet supervisors, and educators. Their reports concluded that the Program's licensing strategies were outmoded and in need of an update to reflect current marketplace needs. One consultant described the current strategy as an attempt to use a "one-size-fits all" approach, where the one size fails to represent the varying jobs of technicians working in different station types.

Under this proposal, BAR will realign the licensing classifications and requirements to reflect industry needs. The new classifications will replace the outdated "one-size-fits-all" strategy with license classifications that actually represent best practices of the industry and match license requirements with tasks performed. This means stations and technicians will have the flexibility to choose a license that best represents the services they provide — Inspection or Repair, or both.

This proposal is generally based on recommendations made by the consultants as well as discussions and input from the participants of several industry and public workshops. From September 2009–July 2010 BAR held workshops concerning the License Restructure in Sacramento, Hayward, Diamond Bar, Woodland Hills, El Cajon and Yuba City.

Technician Licenses

The current technician licensing strategy was created before the creation of Test-Only stations at a time when there was only one type of station and technicians needed to possess a comprehensive knowledge of both inspecting and repairing vehicles. Today, there are two different station types with different job duties, yet there is only one technician license. Consequently, indi-

viduals who work in a Test-Only station must demonstrate a level of knowledge, skills, and abilities (KSAs) beyond the actual work they perform. In fact, Test-Only stations and the licensees who work in these stations are prohibited by law from performing repairs of any kind, especially smog-related repairs. The separation of tests from repairs originates from requirements set forth by amendments to the Federal Clean Air Act of 1990 and the resulting implementation rules. California Health and Safety Code (H&S) Sections 44010.5, 44014, 44014.5, 44031.5, 44032 and 44045.5 establish the licensing rules related to the Test-Only stations and the proposed Repair-Only stations.

The Program's existing license strategy is not only detached from the best practices of the automotive repair marketplace, it is inconsistent with national practices related to establishing appropriate license qualifications. The Federal Equal Employment Opportunity Commission and the American Psychological Association work together to ensure fair employment practices and, in doing so, specify that license qualifications should appropriately represent the KSAs of the jobs the licensees are tasked with completing. For more information, refer to the Uniform Guidelines on Employee Selection Procedures in the Code of Federal Regulations Title 29, Part 1607. The establishment of an Inspector license for those who perform inspections, and a Repair Technician license for those who perform repairs will appropriately align the licenses with the work or job tasks performed.

With respect to repairs, the current "one-size-fits-all" approach has set a low standard where individuals without any experience are licensed to perform repairs while, at the same time, other experienced and highly skilled technicians are deterred from becoming licensed. Basically, the current strategy attempts to cover the broad range of KSAs for the job of inspection and the job of repair under one license. Consequently, it is a cumbersome process that requires all, including proficient, technicians to go back through rudimentary and in some cases duplicative training. In effect, the Smog Check Program misses an opportunity to recruit skilled technicians because the old licensing structure is not relevant to their abilities. Furthermore, many of these proficient technicians work in shops that specialize in the repair of a specific brand of vehicle, including independently owned stations and new car dealers. These shops are not always licensed stations, but because of their specialized knowledge, consumers seek their services and do not necessarily inform them that the vehicle has failed a smog inspection. The proposed Repair-Only station license seeks to fix this disconnect. See "Station Licenses" below for more information.

With this proposal, qualifications will be targeted specifically to the job of performing inspections and to the job of performing smog-related diagnosis and repairs. Candidates seeking an Inspector license will need to meet minimum requirements related to inspection. In part, this will include knowledge of engine and emissions control systems to the extent necessary to perform quality and accurate inspections. The training will be improved and completely focused on inspections. Inspector candidates will not be required to have experience or extensive training in the area of diagnosis and repair. As previously indicated, the training and testing requirements unreasonably attempt to cover the KSAs for both inspection and repair; consequently, neither is fully addressed.

The proposed Repair Technician license will require knowledge in and experience diagnosing and repairing vehicles. In order to determine the correct approach for diagnosing complex and integrated vehicle systems, a technician must have the ability to analyze the reason why a vehicle has failed an inspection. This will help ensure repairs are successfully performed. At present, there is no experience requirement to become a licensed "test-and-repair" technician. Future Repair Technicians will need at least two years' repair experience or a combination of education and experience to qualify. These requirements generally align with requirements set by Automotive Service Excellence (ASE), a national automotive repair organization for certification in the area of advanced diagnosis and repair. ASE is the most recognized standard throughout the automotive repair industry. Additionally, H&S Section 44045.5(a)(2) requires individuals to have a minimum of two years' repair experience.

Establishing licenses appropriate to the job requirements will also result in better license examinations. The current examination is limited because the formal occupational analysis weights both the job of inspecting and repairing vehicles under one license. This approach does not thoroughly cover the tasks associated with inspecting and repairing vehicles. Focusing the examination for each job will help ensure individuals have a complete understanding of the job requirements and only qualified technicians and inspectors become licensed.

In addition to realigning the license classifications, this proposal eliminates the existing Intern Technician license and the Basic and Enhanced Area technician designations. The Intern license is valid for one term and intended to introduce individuals to diagnosis and repair. However, over the years the industry has shown essentially no interest, with only a few individuals choosing this licensing path. This was discussed at the

industry and public workshops and interest remains low.

The Basic and Enhanced Area designations correspond to the areas of the state where the Basic two-speed idle tests or Enhanced loaded-mode tests are administered. When these designations were established it was thought that repairs related to loaded-mode test failures would be far more complex than two-speed idle failures and require special enhanced abilities. As it turns out, the same skills apply in both areas and repairing the vehicle back to the original operating parameters takes care of the problem, regardless of the test type. There is no longer a need for the Basic and Enhanced Area designations. Conducting the two-speed idle and/or loaded-mode tests is a matter of properly following prescribed standards and procedures.

Ultimately, several paths to licensure will be available under this proposed regulation. Candidates will be able to choose the path that best suits their needs: Inspector, Repair Technician, or both. Experienced technicians will choose a path related to their existing knowledge and ability, and inexperienced candidates who ultimately wish to repair vehicle emission failures will have an incentive to go to school before or while gaining the experience needed to become a skilled technician. Those who wish to only inspect vehicles will have a license class that meets their business needs as well. Under this proposal an Inspector will not be limited to work in a Test-Only station, rather individuals who possess an Inspector license may conduct inspections at a licensed Smog Check Test-Only station or Test-and-Repair station.

It is important to note that the licenses for currently licensed Test-and-Repair technicians will remain valid through their normal term. At the time of license renewal, existing licensees will select the license or combination of licenses that best suits their needs and become licensed under the new designation.

Station Licenses

Like technician licenses, the Test-and-Repair station licensing requirements were established at a time when the technology for the automobiles was relatively simple, as compared to modern vehicles. Technological advancements and, to some extent, the addition of Test-Only stations into the Program have now left the structure of a single Test-and-Repair station license obsolete. As with the proposed Repair Technician license, a Repair-Only station license will align the Program's licensing structure with industry best practices. As previously mentioned, this will provide shops the flexibility to choose a license that best represents the services they provide.

- Test-Only — Consumers whose vehicles fail inspection may seek repairs from their regular repair shops without necessarily informing the shop of their Smog Check failure. As with any defined service or product, many consumers shop for the best price — in this case, the price of an inspection. If the vehicle then fails the inspection they bring it to their regular shop for repairs. Consumers often select these shops because they are the local experts who specialize in the repair of their particular brand of vehicle. Unfortunately, specialty shops, independents and new car dealers, are generally not licensed to repair smog failures. (The shift to a specialized repair market is discussed below.) This consumer choice occurs whether the station performing the initial inspection is a Test-Only or a Test-and-Repair station. However, Test-Only stations now inspect more than 60 percent of the vehicles subject to inspection. Because Test-Only stations are prohibited from doing repair work, consumers are left to find a repair facility and naturally select a shop which they are most familiar, even if the facility is unlicensed to perform smog-related repairs. A licensing structure that fails to reflect industry dynamics or the best practices of the repair market place puts consumers at higher risk of low quality repair work.

Of the 35,000 automobile repair dealers registered by BAR, only about 5,400 are currently licensed to perform smog-related repairs

- Specialized Repair Market — Advancements in technology have made vehicles better and more efficient, while at the same time more complex. Repairs now require more in-depth knowledge and more sophisticated equipment than at any time. Advancements in technology have led the industry toward a more specialized repair market. While there are many good general purpose shops operating, the effort to keep pace with advancing technology under one roof has become more difficult. As a result, many shops now choose to specialize in a particular brand of vehicle or, in some cases, certain types of vehicles (e.g., diesel-powered vehicles.) For the most part, these shops focus on repair and the current Test-and-Repair station license does not fit their business model.

On Board Diagnostic II (OBDII) technology also plays an important role with regard to specialized repairs. With OBDII technology, vehicles are typically repaired to correct faults detected by the on-board system. These faults are not limited to emission controls systems alone, but rather, any

condition that causes or could cause the vehicle to emit harmful emissions. This means that many non-traditional emissions repairs now fall under the category of smog-related repairs, including automatic transmission repairs. Once again, these repairs are often performed by specialty shops. Today, approximately 66 percent of the vehicles subject to a Smog Check inspection are OBDII equipped. The OBDII vehicle population will continue to grow and, at some point, the inspection for many of these vehicles will be solely OBDII based. This underscores the need for a Repair-Only station license.

- Four and Six Model Year Exemptions — Technology has also made new vehicles cleaner, effectively reducing emission levels. As a result, in 2005, the California Legislature exempted new vehicles from change of ownership inspections for the first four model years and from biennial inspection for the first six model years. These exemptions impacted the smog inspection market for new car dealers and it no longer made sense for some dealers to be a Test-and-Repair station. However, these same dealers remain responsible for warranty work related to smog failures. A Repair-Only station license will harmonize with the new car dealers' warranty responsibilities. As previously discussed, some consumers may seek specialized expertise for non-warranty repairs.
- Station Equipment — The proposed Repair-Only station will be required to have engine diagnostic equipment and repair tools for diagnosing and repairing engine ignition systems, fuel systems, emission control systems, computer engine control systems, and other related components for each vehicle type that the station diagnoses and repairs. This will include the minimum equipment required for a Test-and-Repair station, with the exception of equipment required to inspect and certify vehicles under the Program.

Some concern was raised at the industry workshops about the lack of a gas analyzer requirement. Specifically, Repair-Only stations that do not have a gas analyzer will not be able to properly repair tailpipe failures. This dynamic has existed in other states operating centralized (government run) programs for many years. In these programs, inspections are conducted at state-contracted locations using equipment and test modes completely different from what is available in the repair industry. BAR contacted eight of these states and found that none of them required gas analyzers; these states have found that the market takes care of itself. In other words,

stations with gas analyzers market themselves to motorists who fail a tailpipe inspection. Also, in many cases the failures are repaired without the use of a gas analyzer.

It is important to note that a tailpipe emission failure is not a problem, but rather a symptom of a problem. Often, particularly for vehicles with on-board diagnostic systems, the problem can be identified and repaired without the use of a gas analyzer. Essentially, the technician repairs the vehicle back to the original parameters and the emission failure is corrected. In some cases, the lack of an emissions analyzer may actually result in a better repair. This is because a technician can become reliant on the analyzer to adjust a vehicle's emission controls just enough to pass the inspection. It is also important to note that 1996 and newer vehicles equipped with OBDII fail from tailpipe emissions at a rate of about 1.2%. Even in these cases, the vehicle manufacturers' diagnostic processes use the OBD system as the primary method to diagnose failures.

With this said, it is understood that for some less experienced technicians repairing emissions failures for some vehicles without a gas analyzer may be challenging. This is especially true with older non-computer controlled vehicles. Like any repair, stations must assess whether they have the equipment and expertise needed to make the repairs.

CURRENT REGULATION:

Existing regulations in the California Code of Regulations, Title 16, Division 33, Chapter 1, are summarized as follows:

Article 2, Section 3306 describes the licensing processes for official stations.

Article 5.5, Section 3340.10 describes the application for a smog check station license.

Article 5.5, Sections 3340.15, 3340.16, 3340.16.5 establish general smog check station requirements, including minimum equipment requirements for Test-Only and Test-and-Repair stations.

Article 5.5, Section 3340.21.1 describes sign requirements for stations providing limited smog check services.

Article 5.5, Section 3340.28 sets license qualification criteria for the Smog Check Intern Technician, the Basic Area Technician, and the Enhanced Area Technician.

Article 5.5, Section 3340.29 describes the application for a smog check technician license.

Article 6, Section 3351.1 establishes registration fees for automotive repair dealers.

EFFECT OF REGULATORY ACTION:

The Bureau of Automotive Repair (BAR or Bureau) is proposing the following amendments to existing regulations:

- I. Revise the Smog Check technician license classifications to reflect current job tasks and marketplace needs. Establish the Smog Check Inspector license, Smog Check Repair Technician license and Smog Check Repair-Only station license.
- II. Repeal the Intern Technician license classification, and the Basic and Enhanced Area technician designations.
- III. Incorporate by reference the updated form R-12 (01/11) "Application for Smog Check Station License."
- IV. Incorporate by reference the updated form (01/11) "Inspector/Tech App 1A "Application for Initial Smog Check Inspector, and/or Smog Check Repair Technician License."
- V. Require a separate service sign for Smog Check Repair-Only stations and stations that only inspect and/or repair vehicles powered by diesel engines.
- VI. Remove the incorporated *Change of Name/Address/Corporate Officers or Directors*, Form R-8 (Rev. 05/25/01) from §3306(c) and relocate the form to §3351.1(d).
- VII. Make minor, technical, grammatical and editorial changes to update the regulatory text.

A detailed explanation of the changes are as follows:

1. Amend Section 3306 of Article 2, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:
 - a. Amend subsection (c) by removing "In the event of a change of business name or address, the licensee shall submit to the bureau a Change of Name/Address/Corporate Officers or Directors, Form R-8 (Rev. 05/25/01), which is hereby incorporated by reference."

The incorporated *Change of Name/Address/Corporate Officers or Directors*, Form R-8 (Rev. 05/25/01) will be removed from §3306(c) and relocated to §3351.1(d). Incorporating this form in §3351.1(d) will suit the original purpose of the form and provide all automotive repair dealers (ARD) a mechanism for transmitting updated license information to the Bureau. This form was originally incorporated in §3306(c), which restricted the use of the form to station licenses. Deleting the form from §3306(c) is

- necessary because having the form incorporated in two different sections of regulation that pertain to the same license group is redundant and may cause confusion for licensees reviewing BAR regulations.
2. Amend Section 3340.1 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:
 - a. Amend section 3340.1 to add a definition for Repair–Only station, Smog Check Inspector, and Smog Check Repair Technician.
This addition is necessary to incorporate new license classifications as a result of the license restructure.
 3. Amend Section 3340.10 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:
 - a. Amend subsection (a) to update the date on form R–12 “Application for Smog Check Station License” from (6/96) to (01/11) and add “, which is hereby incorporated by reference.”.
This edit will incorporate the revised and up–to–date Smog Check station license form into BAR regulations.
 - b. Amend subsection (f) by removing the Smog Check Station Application Form 79–4 (5/89) that is printed in regulation and the instructions for the application.
This change will remove Form 79–4 (5/89) from regulation. This form is no longer used, and removing the old form makes BAR regulations clear and concise.
 4. Amend Section 3340.15 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:
 - a. Amend subsection (b) by adding “an inspector or”.
This minor edit is necessary due to the addition of the Inspector license classification.
 - b. Amend subsection (c) by removing the entire section.
Removing this requirement is necessary because the Bureau proposes to repeal the Intern Technician license, rendering this subsection useless.
 - c. Amend subsection (d) to remove “license and” then add “, inspector, and/or”.
This edit is necessary due to the addition of the Inspector license classification.
 5. Add Section 3340.16.4 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:
 - a. This addition creates a new section for the Smog Check Repair–Only Station requirements. This section details the requirements in order to become licensed as a Repair–Only Station.
 6. Amend Section 3340.16.5 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:
 - a. Remove “a basic” and add “any program area” and “and subsection (a) of section 3340.16.4”.
Expand the requirements listed in section 3340.16.5 to all program areas for Test–and–Repair stations and require them to meet the requirements of subsection (a) of section 3340.16.4.
 - b. Remove the remainder of subsection (a) to subsection (b).
This text is unnecessary because these requirements have been moved to section 3340.16.4, which details the Repair–Only station requirements.
 - c. Remove subsection (b)(2) in its entirety.
This requirement has been moved to section 3340.16.4 and is referenced as a requirement to become a Test–and–Repair station.
This edit changes subsection (b) subparagraph (3) to (2).
 7. Amend Section 3340.17 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:
 - a. Amend subsection (a) and (b) to add “test–only and test–and–repair”.
This edit will provide clarity that subsection (a) and (b) only apply to Test–Only and Test–and–Repair stations. This section does not apply to Repair–Only stations because it is not necessary for them to have a BAR certified emissions inspection system.
 8. Amend Section 3340.22 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:
 - a. Amend section 3340.22 to add “test–only and test–and–repair”.
This edit requires Smog Check Test–Only and Test–and–Repair stations to display a sign that meets the specifications listed in the section.

9. Amend Section 3340.22.1 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:
 - a. Amend subparagraph (2) of subsection (a) by adding "Smog check repair-only stations."
 This edit requires Repair-Only stations to meet separate sign requirements.
 This edit adds subparagraph (2) to subsection (a) and rennumbers subparagraph (2) to (3), (3) to (4).
 - b. Amend subsection (a) by adding subparagraph (5) "Smog check stations that only inspect and/or repair vehicles powered by diesel engines or engines originating from diesel compression ignition designs."
 Separate sign requirements are necessary for Smog Check stations that only inspect and/or repair vehicles powered by diesel engines. This sign requirement will inform consumers when diesel vehicles only are inspected and/or repaired at a particular station.
 10. Amend Section 3340.23 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:
 - a. Amend section 3340.23 by adding "Inspector or" in four places and remove "and the appropriate area" in three places.
 These changes are needed due to the creation of a separate BAR license for Smog Check Inspectors.
 11. Amend Section 3340.28 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:
 - a. Amend subsection (a)(1) to delete the current text and replace it with "Smog Check Inspector. The Smog Check Inspector license allows an individual to inspect, and certify the emissions control systems on vehicles subject to the Smog Check Program in all areas of the state. The Smog Check Inspector license expires pursuant to the requirements in subsection (d) of section 3340.29 of this Article."
 This section is necessary due to the addition of the Smog Check Repair Technician license.
 - b. Amend subsection (a)(2) to incorporate the Smog Check Repair Technician definition into regulation. This addition requires minor, grammatical, punctuation and formatting changes.
- These changes have been made to the Intern Technician license which is being repealed and replaced with new requirements for the Smog Check Repair Technician license.
- c. Remove subsection (a)(3) in its entirety.
 This edit replaces the old Advanced Emission Specialist Technician license with new, updated license classifications. This proposed change will delete the Advanced Emission Specialist license in favor of licenses that would apply to both Basic and Enhanced Areas of the Smog Check program. These changes are necessary because the knowledge, skills and abilities of a technician are essentially the same, regardless of the geographic program designations. This proposed change will ensure that the skills needed to perform the duties of a certain license are consistent statewide.
 - d. Amend subsection (b) to remove "The qualifications to take an examination for technician licenses are as follows:" and add "Smog Check Inspector Qualifications". Remove in its entirety the current (b)(1). In subsection (b)(2), remove the following text: "The Basic Area Technician license" and "Basic Area Technician". Add to subsection (b)(2) "The Smog Check Inspector license" and "Smog Check Inspector".
 These technical changes are being done to accommodate the proposed Smog Check Inspector license and the qualifications that are required to take the examination for that license.
 - e. Amend subsection (b) by adding new subparagraphs (1)(A) and (B), "(1) The applicant must provide proof, satisfactory to the bureau, of: (A) The successful completion of bureau specified engine and emission control training within the last two years; or (B) At the bureau's discretion, successfully complete and pass a bureau specified competency assessment within the last two years, and successfully complete and pass the bureau's smog check training within the last two years; or".
 - f. Amend subsection (b)(1)(C) by adding "proof," and "Smog Check Repair Technician qualifications established in paragraph (c)(1) or (2) of this section, and successfully complete and pass the bureau's

smog check training within the last two years.”

- g. Furthermore, remove current subsections (b)(2)(A) and (b)(2)(B) in their entirety. These edits remove the requirements for the Basic Area Technician license, which is being absorbed by the Smog Check Inspector and Smog Check Repair Technician sections.
- h. Amend subsection (b) by adding subparagraph (2). Add text “Update Training. The bureau may require update training as part of the requirements for license renewal.”, “Smog Check Inspector”, “proof,” “to the bureau,” “of”, “specified”, “At the bureau’s discretion, a Smog Check Inspector” and “update training”. In addition, the following text will be removed: “an initial license or”, “evidence”, “specified”, “courses”, “Update training courses provide training on new automotive technology that affects emission testing and/or repairs. Update training need not exceed 20 hours.”, “Technicians”, “course”, “, at the bureau’s discretion. Technicians who elect to take the challenge test shall take it at a bureau certified training institution that is certified to provide that update training course. Information regarding training courses will be available through a bureau toll free telephone number, published in the technician license renewal notice.”

This edit renumbers (b)(2)(C) to (b)(2). In addition, remove the current subsection (b)(3) in its entirety.

- g. Add subsections (c), (d), (e), and (f).
Subsection (c) provides the qualifications for the Smog Check Repair Technician license. Subsection (d) specifies that the Bureau may issue a single license to applicants that pass an exam for both license types. Subsection (e) explains how a Basic Area and Advanced Emission Specialist Technician will renew their license as either a Smog Check Inspector, Smog Check Repair Technician, or both. Subsection (f) provides for alternate qualifications in the event an applicant does not possess certification pursuant to subsection (c)(1)(D).

Remove subsections (b)(3), (b)(4), (b)(3)(A)(1.)–(6.), (b)(3)(B), (b)(3)(C) and (b)(4) in its entirety.

- 12. Amend Section 3340.29 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:

- a. Amend subsection (a) by adding “an inspector or”, “(01/11) Inspector/Tech App 1A “Application for Initial Smog Check Inspector, and/or Smog Check Repair Technician License,” and “the fee shall not be refunded and a license shall not be issued.” Remove “SMOG TECH 1 LICENSE (11/07), “ ‘Application for Smog Check Inspector and/or Technician License,’ ”, “An application shall be rejected, and the fee shall not be refunded, if” and “The applicant shall submit a new application with appropriate documents and an application fee of \$20.00 when an application has been rejected for failure to file a complete application.”

These edits make minor technical corrections to existing regulatory text and incorporate by reference a new general application for Smog Check technicians and inspectors. Applications with missing information will not be issued a license. The Bureau will attempt to obtain the missing information from the applicant to correct the deficiency and complete the application process.

- b. Amend subsection (b) by adding “an inspector or”, “and pass”, “A qualified applicant may attempt to pass the examination two times per application. After two attempts the applicant”, “new”. Remove the following: “of \$45”, “technician”, “technician’s”, “,or”, “again”, “an”, and (b)(3) in its entirety.

This edit incorporates the Inspector license. Additionally, this change removes the \$45 examination fee from regulation. This change is necessary because the Bureau does not specify the cost of the examination.

- c. Remove subsection (d) in its entirety.

This edit removes text regarding the Intern Technician license. The Bureau will no longer license technicians under this classification due to lack of use by the industry. Only a handful of Intern Technician licenses are issued on a yearly basis. Supporting this license classification is a poor use of Bureau time and resources.

- d. Amend the current subsection (e) to add “The inspector and technician license shall expire two years from the last day of the month in

which the license was issued, unless renewed, suspended, rescinded, or terminated by operation of law.” and “The bureau may advance the expiration date to correspond with an existing inspector or technician license expiration date.” Remove “A technician’s license shall expire on the last day of the month in which the second birthday of the technician occurs after the date of issuance of the license. Initial 1” and “Once a license has been issued that expires in the birth month, subsequent renewal licenses will expire on the last day of the birth month, two years later.”

This amendment is necessary to incorporate the Bureau’s new Inspector license classification. Further, this edit provides clarity on when a technician licensee expires.

This edit renumbers subsection (e) to (d).

- e. Amend subsection (f) by adding “inspector or” and “renewal fee of \$20 and pay the examination fee, as applicable, and successfully complete and pass the appropriate examination”. Remove the Technician License Renewal Application from regulation.

Technicians and Inspectors can renew their license by simply paying the \$20 renewal fee and passing the appropriate examination.

This revision also renumbers subsection (f) to subsection (e).

- f. Add a new subsection (f) to regulation.

This section describes the criteria on which a Smog Check technician license examination may be based, and may require technicians with a citation and/or disciplinary history to complete additional qualifications to renew a license.

13. Amend Section 3340.30 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:

- a. Make minor grammatical, punctuation and formatting changes to incorporate the general requirement for the Inspector license into regulations.

14. Amend Section 3340.31 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:

- a. Make minor grammatical, punctuation and formatting changes to incorporate the general requirement for the Inspector license into regulations.

15. Amend Section 3351.1 of Article 6, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:

- a. Amend subsection (d) by removing “Firm”, “or”, “Any”, “firm”, “and”, “any change in the firm’s”, “be promptly communicated to the bureau in writing with a request for a replacement registration certificate.”. In addition, add “Business”, “, corporate officers or directors, and/or”, “business or mailing”, “the licensee or registrant”, “submit to the bureau a Change of Name/Address/Corporate Officers or Directors, form R-8 (Rev. 05/25/01, which is hereby incorporated by reference within 14 calendar days or the license and/or registration shall cease to be valid.”, and “Any change in the members of a Limited Liability Company (LLC) require a new application and fees, unless the LLC articles of incorporation expressly indicate that a change of members does not constitute a change of business.”.

These changes provide a standardized medium for licensees to transmit changes regarding a business name, address and corporate officers or director to the Bureau. Further, this will assist BAR staff in providing quicker license updates and help ensure changes are accurate. Requiring licensees to transmit changes in license information within 14 days will allow BAR to invalidate inactive licenses. Any changes to a Limited Liability Company (LLC) require a new application and fee, unless the articles of incorporation expressly indicate otherwise.

Incorporation by Reference

Section 3340.10 incorporates by reference form R-12 (01/11) “Application for Smog Check Station License.” This application replaces the version dated (9/96) and includes the options to apply for a license to operate as a Test-Only station, Repair-Only station, or Test-and-Repair station.

Section 3340.29 incorporates by reference the (01/11) Inspector/Tech App 1A “Application for Initial Smog Check Inspector, and/or Smog Check Repair Technician License.” This application replaces the version dated (11/07) and includes the options to apply for a license to work as a Smog Check Inspector, and/or a licensed Smog Check Repair Technician.

Section 3340.51 incorporates the Change of Name/Address/Corporate Officers or Directors, form R-8 (Rev. 05/25/01). This form provides ARDs a medium

for transmitting changes to a business name, address and corporate officers or directors to the Bureau.

The incorporation by reference of these applications is appropriate since publishing these documents in the California Code of Regulations would be cumbersome, unduly expensive, impractical and unnecessary. If anyone should wish to examine the revised applications, they are available upon request from BAR. The revised applications will also be available for review throughout this rulemaking process and will be available on BAR's Web site at www.smogcheck.ca.gov.

FISCAL IMPACT ESTIMATES

FISCAL IMPACT ON PUBLIC AGENCIES INCLUDING COSTS OR SAVINGS TO STATE AGENCIES OR COSTS/SAVINGS IN FEDERAL FUNDING TO THE STATE

None.

NONDISCRETIONARY COSTS/SAVINGS TO LOCAL AGENCIES

None.

LOCAL MANDATE

None.

COSTS TO ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH GOVERNMENT CODE SECTIONS 17500-17630 REQUIRE REIMBURSEMENT

None.

BUSINESS IMPACT

BAR has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed regulations realign the Program license structure with the best practices of the marketplace. They have no influence on the number of vehicles being tested or repaired. Stations and technicians will have expanded options for licenses that better fit their business needs and/or personal ambitions.

Smog Check Technician Licenses

This proposed action will create a Repair Technician license and Inspector license to better represent the job

description of the tasks performed by individuals employed in the Smog Check industry. For instance, some technicians may choose to work at a Test-Only station where extensive knowledge of repair work is not necessary and not part of the job duty. Others may choose to pursue work at a Test-and-Repair station; these technicians may perform emission-related repairs on vehicles failing an inspection. These proposed changes will allow technicians to customize their license based on their job requirements and when applicable, work toward a more advanced license classification.

Future candidates who wish to obtain both the Inspector license and the Repair Technician license will be subject to two examination fees. Currently, candidates pay one \$45 examination fee for the single Test-and-Repair examination. Upon implementation of these proposals, candidates would pay an examination fee for each separate exam.

The state license application fee will not change. A single application and fee will be assessed regardless of whether the candidates are applying for the Inspector license, Repair Technician license, or both.

Smog Check Station Licenses

California law requires Smog Check inspections and repairs to be performed by licensed stations using qualified technicians. Currently, a person or entity can be licensed to operate a Smog Check Test-and-Repair and/or Test-Only station. The Bureau proposes the addition of a Repair-Only station license. This license classification will provide more choices for automotive repair dealers to become licensed to perform emission-related repair work. It will also provide the flexibility for licensed Test-and-Repair stations to become a Repair-Only station and focus completely on vehicle emissions repairs.

IMPACT ON JOBS/NEW BUSINESSES

BAR has made an initial determination that the proposed regulatory action will not have any impact on the creation of jobs or new businesses, the elimination of jobs or existing businesses, or the expansion of businesses in the State of California.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action, other than the Business Impact described above, and that are known to the Bureau are:

Smog Check Technicians

The Bureau has determined that Smog Check Technicians that wish to become licensed to conduct Smog Check inspections and perform emission related repairs would have to pay a one time, additional fee of \$45 to take the examination for both licenses. This impact is seen as minor and absorbable to individuals and will not impact or prohibit someone from becoming licensed.

EFFECT ON HOUSING COSTS

None.

EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulations would not affect small businesses because the addition of a Repair-Only station license only provides additional choices for licensure and does not mandate participation.

CONSIDERATION OF ALTERNATIVES

BAR must determine that no reasonable alternative, which it considered or that has otherwise been identified and brought to its attention, would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Bureau has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Bureau of Automotive Repair at 10240 Systems Parkway, Sacramento, California, 95827.

AVAILABILITY AND LOCATION OF THE RULEMAKING FILE AND THE FINAL STATEMENT OF REASONS

All the information upon which the proposed regulations are based is contained in the rulemaking file that is

available for public inspection by contacting the persons named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Web site listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Steven Hall
Bureau of Automotive Repair
10240 Systems Parkway
Sacramento, CA 95827
Telephone: (916) 255-2135
Fax No.: (916) 255-1369
E-mail: steven.hall@dca.ca.gov

The backup contact person is:

Greg Garrett
Bureau of Automotive Repair
10240 Systems Parkway
Sacramento, CA 95827
Telephone: (916) 255-4769
Fax No.: (916) 255-4290
E-mail: greg.garrett@dca.ca.gov

WEB SITE ACCESS

Materials regarding this proposal can also be found on the Bureau's Web site at www.smogcheck.ca.gov.

TITLE 16. RESPIRATORY CARE BOARD

**Department of Consumer Affairs
California Code of Regulations. Title 16.
Division 13.6 Respiratory Care Board
DISCIPLINARY GUIDELINES, CITATION
AND FINE, FEES, AND VARIOUS
REGULATORY REVISIONS**

NOTICE OF PROPOSED CHANGES

**DISCIPLINARY GUIDELINES, CITATION
AND FINE, FEES, AND VARIOUS
REGULATORY REVISIONS
Respiratory Care Board of California**

NOTICE IS HEREBY GIVEN that the Respiratory Care Board of California (Board) is proposing to take the action described in the Informative Digest. Any per-

son interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held:

Friday, July 8, 2011

2:00 p.m.

Department of Consumer Affairs

1625 North Market Blvd.

South Building, room S-102

[First Floor Hearing Room]

Sacramento, CA 95834

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under "Contact Person" in this Notice, must be received by the Board at its office not later than **5:00 p.m. on July 6, 2011**, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 3722 of the Business and Professions Code, and to implement, interpret or make specific Sections 125.9, 315, 315.2, 315.4, 3701, 3702, 3703, 3704, 3716, 3717, 3719, 3719.5, 3731, 3722, 3732, 3733, 3735, 3735.5, 3739, 3740, 3742, 3750, 3750.5, 3750.6, 3752, 3752.5, 3752.6, 3752.7, 3753, 3753.1, 3753.5, 3754.5, 3755, 3758, 3758.5, 3758.6, 3760, 3761, 3766, 3767, 3773, 3775, 3775.5, and 3777 of said Code, the Board is considering changes to Division 13.6 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code (B&P), section 3701 provides the Board's mandate is to "protect the public from the unauthorized and unqualified practice of respiratory care and from unprofessional conduct by persons licensed to practice respiratory care." B&P, section 3710.1 provides that "Protection of the public shall be the highest priority for the [Board] in exercising its licensing, regulatory, and disciplinary functions."

In effectuating our mandate, the Board is responsible for screening applicants to ensure education, criminal background checks, and competency requirements are met. Our Board is diligent in accessing a variety of resources to determine whether a new applicant possesses a criminal record or previous discipline history that may be grounds for denial of licensure. The Board also pursues investigations on complaints received from subsequent rap sheets, consumer complaints, or mandatory complaints. In addition to issuing administrative citations and fines, our office works closely with the Office of the Attorney General on some 100 cases, at any given time, to stipulate to terms and conditions of probation or proceed to hearing through the Office of Administrative Hearings for revocation of the license.

In 2009, media coverage of the Board of Registered Nursing, led to the Administration developing the Consumer Protection Enforcement Initiative that included innovative changes to increase the performance of all boards and bureaus under the Department of Consumer Affairs (DCA). As a result, SB 1111 was introduced in 2010 with numerous provisions to increase consumer protection and reduce processing times. While SB 1111 did not make it out of committee, other bills with specific and similar provisions (e.g. SB 1172) were signed and boards continue to pursue similar improvements through other means. Many of the provisions in this package are connected to this movement and are aimed at streamlining processes, reducing processing times and increasing consumer protection.

Over the last couple of years, in response to the Administration's Job Creation Initiative, boards have also made efforts to improve application processing times, and get applicants licensed and into the workforce, helping to stimulate the economy. The proposed amendments affecting the application process and the fee schedule are a direct result of this effort.

In addition, in 2008, as a result of SB 1441, the Substance Abuse Coordination Committee was formed to develop standards for discipline, where the cause for discipline is related to substance use. In April 2011, all of the standards were adopted. Many of the amendments made in the disciplinary guidelines reflect these new standards. The board is incorporating by reference its Disciplinary Guidelines, 2011 edition.

At its May 11, 2010 and February 25, 2011 meetings, the Board reviewed this final regulation proposal in detail, and approved moving forward with the rulemaking package.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Minor. The board estimates a po-

tential net expense of \$32,224 that may be incurred should additional personnel be required to perform enforcement-related duties outlined in this proposal.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. However, the package does support the Job Creation Initiative by improving application processing times, which ultimately allow applicants to enter the workforce faster.

Cost Impact on Representative Private Person or Business: The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Board are costs associated with any legal fees if the individual is represented by legal counsel, costs associated with the issuance of a citation and fine and costs related to an order. The impact of a disciplinary or cease practice order could include costs associated with loss of employment income. Home care businesses may also incur additional expenses to provide training and competency testing for unlicensed personnel on an annual basis, if they are not already doing so. Employers may incur minimal additional costs associated with responding to board requests for records within ten days. The application fee is increasing to \$300; however, the licensing fee is being eliminated. The net result in attaining licensure may have a cost impact of as much as \$86 in savings to an additional cost up to \$52 per applicant.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations will not significantly affect small businesses. These regulations only impact respiratory care practitioners (RCPs) and employers who have violated the Act or have RCPs in their employ, who are under investigation or on probation.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing, upon request to the Board at 444 North 3rd Street, Suite 270, Sacramento, CA 95811 or on the Board's website at www.rcb.ca.gov.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named, or by accessing the website listed, on the following page.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Christine Molina
Address: 444 North 3rd Street, Suite 270
Sacramento, CA 95811
Telephone No.: (916) 323.9983
Fax No.: (916) 323.9999
E-Mail Address: rcbinfo@dca.ca.gov

The backup contact person is:

Name: Stephanie Nunez
Address: 444 North 3rd Street, Suite 270
Sacramento, CA 95811
Telephone No.: (916) 323.9983
Fax No.: (916) 323.9999
E-Mail Address: rcbinfo@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.rcb.ca.gov.

TITLE 23. STATE WATER RESOURCES CONTROL BOARD

DRAFT NOTICE OF PROPOSED RULEMAKING

TITLE 23. WATERS DIVISION 3. STATE WATER RESOURCES CONTROL BOARD AND REGIONAL WATER QUALITY CONTROL BOARDS CHAPTER 2. APPROPRIATION OF WATER ARTICLE 22. PREVENTION OF WASTE AND UNREASONABLE USE

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Water Board or Board) proposes to adopt the proposed regulation described below after considering all comments, objections, and recommendations regarding this proposed action.

PROPOSED REGULATORY ACTION

The State Water Board proposes to add Section 862 in Chapter 2, Division 3, Title 23 of the California Code of Regulations (CCR). This section concerns water diversion practices for frost protection of crops in the Russian River watershed in Mendocino and Sonoma counties.

PUBLIC HEARING AND WRITTEN COMMENT PERIOD

The State Water Board will hold a public hearing on the proposed regulation at a Board Meeting starting at 9 a.m. on **September 20, 2011** in the Coastal Hearing Room on the second floor at 1001 "I" Street, Sacramento, CA. A map to the Joe Serna Jr./Cal-EPA Building and parking information are available at <http://www.calepa.ca.gov/EPABldg/location.htm>. The Joe Serna Jr./Cal-EPA Building is accessible to people with disabilities. Individuals who require special accommodations at the Joe Serna Jr./Cal-EPA Building are requested to contact Catherine Foreman, Office of Em-

ployee Assistance, at (916) 341-5881. Due to enhanced security precautions at the Cal-EPA Headquarters Building, all visitors are required to register with security staff prior to attending any meeting. Depending on the size and number of meetings scheduled on any given day, the security check-in could take up to fifteen minutes. Please allow adequate time to sign in before being directed to the hearing.

Oral comments will be allowed and limited to 3 minutes or as otherwise allowed by the Board Chairman. Any person wishing to make a comment at the hearing will be asked to complete a speaker card available in the hearing room. Any written statements, arguments, or contentions related to the proposed regulation must be received by 12:00 noon on July 5, 2011. Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. Written comments must be received by the State Water Board before the written comment period closes in order to be considered by the State Water Board before it considers adoption of the proposed regulation.

Comment letters may be submitted by email to commentletters@waterboards.ca.gov (if less than 15 megabytes in total size) or by fax at (916) 341-5620. Please indicate in the subject line: "Comment Letter — Proposed Russian River Frost Regulation." Written comments may also be delivered by mail to:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

or hand-delivered to the following address:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Couriers delivering comment letters must check in with lobby security personnel on the first floor of the Cal-EPA Building at the above address. Questions on comment submittal may be directed to Ms. Townsend, at (916) 341-5600.

To be added to the mailing list for this rulemaking and upcoming hearing, and to receive notification of updates to this rulemaking, you may subscribe to the Lyris list for public notices regarding Russian River Frost Protection on the State Water Board's website at: http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml. Enter your name and e-mail address and check the box next to "Russian River Frost Protection" under "Water Rights Topics." You will receive a confirmation e-mail. You must respond to the confirmation e-mail or your name will be deleted from the mailing list. For assistance subscribing

to the Lyris list you may also call Karen Niiya at (916) 341-5365. **Individuals who receive this notice from the State Water Board by mail or e-mail are already on the mailing list.**

AUTHORITY AND REFERENCE

Section 1058 of the Water Code authorizes the State Water Board to adopt the proposed regulation, which would implement, interpret, or make specific the following State statutes: Water Code Sections 100, 275 and 1051.5 and Section 2, Article X of the California Constitution.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Water Code section 1058 allows the State Water Board to make such reasonable rules and regulations as it may from time to time deem advisable in carrying out its powers and duties. The purpose of the proposed regulation is to prevent salmonid mortality in the Russian River watershed due to the cumulative effect of instantaneous diversions for purposes of frost protection of crops in Sonoma and Mendocino Counties. During a frost event, the high instantaneous demand for water for frost protection by numerous vineyardists and other water users may cause a rapid decrease in stream stage that results in the mortality of salmonids due to stranding.

The proposed regulation would provide that water diversions from the Russian River stream system, including hydraulically connected groundwater, for purposes of frost protection from March 15 through May 15 violate the prohibition against the unreasonable diversion or use of water, unless water is diverted in accordance with a Board approved water demand management program, or water is diverted upstream of Warm Springs Dam in Sonoma County or Coyote Dam in Mendocino County.

In addition to its permitting authority, the State Water Board has a duty to protect, where feasible, the State's public trust resources, including fisheries. The State Water Board also has the authority under article X, section 2 of the California Constitution and Water Code section 100 to prevent the waste or unreasonable use, unreasonable method of use, or the unreasonable method of diversion of all waters of the State. Water Code section 275 directs the State Water Board to "take all appropriate proceedings or actions before executive, legislative, or judicial agencies . . ." to enforce the constitutional and statutory prohibition against waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, commonly referred to as the reasonable use doctrine. The reasonable use doctrine

applies to the diversion and use of both surface water and groundwater, and it applies irrespective of the type of water right held by the diverter or user. (*Peabody v. Vallejo* (1935) 2 Cal.2d 351, 366-367.)

In this case, application of the reasonable use doctrine requires consideration of the benefits of diverting water for purposes of frost protection, the potential for stranding mortality to occur, and the diverters' ability to frost protect without causing stranding mortality by coordinating or otherwise managing their diversions to reduce instantaneous demand. If properly managed, high flows during wet winters may provide enough water to meet human needs and prevent stranding mortality. A number of other management tools also exist that can be used to reduce the instantaneous demand for water during frost events. Given the potential impact to salmonids and the availability of feasible alternatives to simultaneous diversions from the stream, uncoordinated, unregulated diversions of water from the Russian River stream system for purposes of frost protection are unreasonable.

The proposed regulation would require any water demand management program to be approved by the Board in order to ensure that the program will effectively reduce the instantaneous demand on the Russian River stream system during frost events to prevent stranding mortality. The regulation would require the water demand management program to be administered by an individual or governing body capable of ensuring that the goals of the program will be met. In addition, the program would be required to include the following: (1) an inventory of the frost diversion systems within the area subject to the program, (2) a stream stage monitoring program, (3) an assessment of the potential risk of stranding mortality due to frost diversions, (4) development and implementation of a corrective action plan if necessary to prevent stranding mortality, and (5) annual reporting of program data, activities, and results.

FISCAL IMPACT ESTIMATES

Mandate on Local Agencies or School Districts: The proposed regulation requires that any water demand management program be administered by an individual or governing body capable of ensuring that the requirements of the program are met. The proposed regulation does not impose a mandate on local agencies because the regulation does not require the governing body to be a local governmental agency. The program could be developed and administered by an individual, non-governmental organization, or other private entity. However, local government agencies may choose to administer the water demand management program on a voluntary basis.

If a local government agency chooses to oversee the water demand management program, the estimated costs for administering the program is \$452,007, which includes the costs for developing and maintaining a frost diversion system inventory, installing and maintaining stream stage gages, conducting a risk assessment and updating it annually, and preparing an annual report.

Additionally, a local agency that provides water to its customers for frost protection purposes may be subject to the proposed regulation. Accordingly, such an agency could incur the costs of participating in a water demand management program. The cost to an agency of participating in a water demand management program will largely depend on the acreage served. The cost can range from \$60 per acre to \$2,197 per acre and is dependant on whether or not corrective actions will need to be taken. However, the local agency's customers who divert water from the Russian River for purposes of frost protection are likely to bear these costs directly, in which case there would be no cost to the local agency. Even if costs are incurred by a local agency, they would not be subject to state reimbursement pursuant to Government Code section 17500 et seq., for two reasons. First, any costs incurred as a result of the regulation do not fit the definition of state mandated costs because they would not be incurred as a result of a regulation implementing a statute enacted after 1975. (See Gov. Code, § 17514.) Second, the regulation does not require local agencies to undertake a new program or provide a higher level of service in an existing program. Rather, the regulation would apply equally to all frost diversions, irrespective of whether the diverter is a local agency, an individual, or a private entity, and therefore the costs of compliance are not unique to local government. (*See County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 57–58.)

Cost or Savings to any State Agency: There are two State agencies that will incur a fiscal cost as a result of this regulation, the California Department of Fish and Game (DFG) and the State Water Board.

- **Total estimated cost to DFG — \$130,000** — The proposed regulation requires that participants consult with DFG while developing and implementing their water demand management program. Consultation would be required for developing a stream stage monitoring program and conducting a risk assessment of potential stranding mortality due to diversion operations. It is estimated that DFG will need one PY in order to carry out consultations with participants. The total estimated cost to DFG is \$130,000.
- **Total estimated cost to State Water Board — \$260,000** — Adoption of the regulation will create

an additional work load for staff at the State Water Board's Division of Water Rights (Division). Staff at the Division will need to review and approve all water demand management programs that are developed by participants. Additionally, staff will need to review annual reports and approve any proposed changes to the program. Staff will also be needed to review and approve requests for exemptions from the regulation for participants claiming to be pumping groundwater that is not hydraulically connected to the Russian River stream system. It is estimated that the Division will need to dedicate two PY's to accomplish this additional workload. The total estimated cost to the Division is \$260,000.

Other Non-discretionary Cost or Savings Imposed on Local Agencies: With the possible exception of the costs to local agencies described above, the State Water Board has determined that no non-discretionary cost or savings would be imposed on local agencies.

Cost or Savings in Federal Funding to the State: The State Water Board has determined that there is no cost or savings in Federal funding to the State.

ECONOMIC IMPACT ESTIMATES

Statement of Significant Statewide Adverse Economic Impact Directly Affecting Business: Businesses, primarily vineyardists, that divert water for frost protection use in the Russian River watershed will be affected by the proposed regulation.

It is projected that affected businesses will need to monitor and maintain records regarding the rate of diversion, hours of operation, and volume of water diverted during each frost event. Businesses would report the data to the individual or governing body that is administering the water demand management program. The individual or governing body would install and monitor stream gage information and prepare annual reports. Businesses would be required to implement corrective actions if data indicates potential risk of salmonid stranding mortality exists.

The State Water Board has made the initial determination that the adoption of this regulation may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The State Water Board has considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit proposals. Submissions may include the following considerations:

- (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.

- (2) Consolidation or simplification of compliance and reporting requirements for businesses.
- (3) The use of performance standards rather than prescriptive standards.
- (4) Exemption or partial exemption from the regulatory requirements for businesses.

Cost Impacts on Representative Persons or Businesses: The State Water Board estimates that the initial capital costs for a 160-acre vineyard to comply with the proposed regulation would range from \$9,600 to \$17,000 and the annual costs would range from \$3,000 to \$4,700. Capital costs for implementing any needed corrective actions for a 160-acre vineyard would range from \$236,000 to \$352,000, with annual costs ranging from \$26,000 to \$36,200.

Effect on Creation or Elimination of Jobs within California: The State Water Board has determined that the proposed action will initially reduce region-wide employment by 4 jobs and by 18 jobs within five years. The State Water Board estimates the proposed action will increase employment by an equal amount of jobs because it anticipated there will be an increased need for products and services for frost protection.

Effect on Creation of New Businesses or Elimination of Existing Businesses: The State Water Board has determined that the total direct cost of the proposed regulation represents a reduction in income to vineyardists but an increase in economic activity to firms providing services and products for frost protection therefore there is no net loss in aggregate welfare. Additionally, the regulation requires adaptive management as an avenue for taking corrective actions to solve any identified problems. This allows for a business to comply with the regulation at the least cost and therefore the State Water Board assumes that it is highly unlikely that a business would be eliminated as a result of complying with the regulation.

Effect on the Expansion of Businesses Currently Doing Business within California: The State Water Board has determined that the proposed action will cause an increase in economic activity to firms providing services and products for frost protection, such as consulting services, sales of wind machines or orchard heaters, and construction of offstream reservoirs. The estimated increased economic activity associated with these services and products is estimated to be \$6 million.

Effect on Small Businesses: The State Water Board estimates that the initial capital costs for a 40-acre vineyard to comply with the proposed regulation would range from \$2,400 to \$4,000 and the annual costs would range from \$750 to \$1,140. Capital costs for implementing any needed corrective actions for a 40-acre

vineyard would range from \$59,000 to \$87,880, with annual costs ranging from \$6,500 to \$9,000.

Business Report: The proposed regulation requires annual reporting of water demand management program data, activities and results. In the absence of the proposed regulation, businesses could continue to divert water for frost protection use in a manner that causes stranding mortality of salmonids, a public trust resource that is in danger of extinction. Accordingly, it is necessary for the health, safety, and welfare of the people of the state that the proposed regulation apply to businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the upcoming hearing or during the written comment period.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, DRAFT ENVIRONMENTAL IMPACT REPORT, AND TEXT OF PROPOSED REGULATION

The State Water Board has prepared an Initial Statement of Reasons for the proposed action. The Initial Statement of Reasons includes the specific purpose of the regulation proposed for adoption and the rationale for the State Water Board's conclusion that the regulation is reasonably necessary to carry out the purpose for which the regulation is proposed. The State Water Board has also prepared a Draft Environmental Impact Report that contains an analysis of the potential environmental impacts of the proposed action. The Initial Statement of Reasons, Draft Environmental Impact Report, the express terms of the proposed regulation and all information on which the proposal is based are available from the agency contact person named in this notice.

The rulemaking file is available for inspection and copying throughout the rulemaking process at the State Water Board's Division of Water Rights Records Unit, 1001 I Street, 2nd floor, Sacramento, California. Key documents from the rulemaking file will also be published and made available on the State Water Board's

internet website. This website address is:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/russian_river_frost/.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

Following the public hearing, the State Water Board may adopt the proposed regulation as originally proposed, or with nonsubstantial or grammatical modifications. If the State Water Board makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least fifteen (15) days before the State Water Board adopts the regulation as modified. A copy of any modified regulation may be obtained by contacting Karen Niiya, the primary contact person identified below. The State Water Board will accept written comments on the modifications to the regulation for fifteen (15) days after the date on which they are made available.

**AVAILABILITY OF FINAL STATEMENT
OF REASONS**

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting either of the persons listed below. A copy may also be accessed on the website mentioned above.

ADDITIONAL INFORMATION

Inquiries concerning the substance of the proposed action may be directed to:

Karen Niiya
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000
Telephone: (916) 341-5365
E-mail address: kyniiya@waterboards.ca.gov

or

John O'Hagan
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000
Telephone: (916) 341-5368
E-mail address: johagan@waterboards.ca.gov

**TITLE 27. OFFICE OF
ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

NOTICE OF PROPOSED RULEMAKING

**TITLE 27, CALIFORNIA CODE OF
REGULATIONS**

**AMENDMENT TO SECTION 25805
SPECIFIC REGULATORY LEVELS:
CHEMICALS CAUSING REPRODUCTIVE
TOXICITY**

**MAXIMUM ALLOWABLE DOSE LEVEL:
AVERMECTIN B1**

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to establish a specific regulatory level having a maximum allowable dose level (MADL) for Avermectin B1, and amend Title 27, California Code of Regulations, Section 25805¹.

PUBLIC PROCEEDINGS

Any written statements or arguments regardless of the form or method of transmission must be received by OEHHA by 5:00 p.m. on **July 5, 2011**, the designated close of the written comment period. We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to sluong@oehha.ca.gov. Comments submitted in paper form may be mailed, faxed, or delivered in person to the addresses below:

Mailing Address:
Ms. Susan Luong
Office of Environmental Health Hazard Assessment
P.O. Box 4010, MS-19B
Sacramento, California 95812-4010
Fax: (916) 323-8803
Street Address: 1001 I Street
Sacramento, California 95814

A public hearing to present oral comments will be scheduled only if one is requested. The request must be submitted in writing no later than 15 days before the

¹ All further regulatory references are to Title 27 of the California Code of Regulations unless otherwise indicated.

close of the comment period on July 5, 2011. The written request must be sent to OEHHA at the address listed above no later than **June 20, 2011**. A notice for the public hearing, if one is requested, will be mailed to interested parties who are on the Proposition 65 mailing list for regulatory public hearings. The notice will also be posted on the OEHHA web site at least ten days in advance of the public hearing date. The notice will provide the date, time, location and subject matter to be heard.

If a hearing is scheduled and you have special accommodation or language needs, please contact Susan Luong at (916) 327-3015 or sluong@oehha.ca.gov at least one week in advance of the hearing. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

CONTACT

Please direct inquiries concerning the substance and processing of the action described in this notice to Susan Luong, in writing at the address given above, or by telephone at (916) 445-6900. Ms. Cynthia Oshita is a back-up contact person for inquiries concerning processing of this action and is available at the same number.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.5 et seq. and commonly known as Proposition 65 (hereinafter Proposition 65 or the Act), prohibits a person in the course of doing business from knowingly and intentionally exposing any individual to a chemical that has been listed as known to the State to cause cancer or reproductive toxicity, without first giving clear and reasonable warning to such individual (Health and Safety Code section 25249.6). The Act also prohibits a business from knowingly discharging a listed chemical into water or onto or into land where such chemical passes or probably will pass into any source of drinking water (Health and Safety Code section 25249.5).

For chemicals known to the state to cause reproductive toxicity, an exemption from the warning requirement is provided by the Act when a person in the course of doing business is able to demonstrate that an exposure for which the person is responsible produces no observable reproductive effect, assuming exposure at 1,000 times the level in question (Health and Safety Code sections 25249.10 and 25249.11). The maximum dose level at which a chemical has no observable repro-

ductive effect is referred to as the no observable effect level (NOEL). The Act also provides an exemption from the prohibition against discharging a listed chemical into sources of drinking water if the amount discharged does not constitute a "significant amount," as defined, and the discharge is in conformity with all other laws and regulatory requirements (Health and Safety Code sections 25249.9 and 25249.11). Thus, these exemptions apply when the exposure or discharge in question is at a level that does not exceed the NOEL divided by 1,000.

Regulations previously adopted by OEHHA provide guidance for determining whether an exposure to, or a discharge of, a chemical known to cause reproductive toxicity meets the statutory exemption (Sections 25801-25821). These regulations provide three ways by which a person in the course of doing business may make such a determination: (1) by conducting a risk assessment in accordance with the principles described in Section 25803 to derive a NOEL, and dividing the NOEL by 1,000; or (2) by application of the specific regulatory level adopted for the chemical in Section 25805; or (3) in the absence of such a level, by using a risk assessment conducted by a state or federal agency, provided that such assessment substantially complies with Section 25803(a). The specific regulatory levels in Section 25805 represent one one-thousandth of the NOEL.

This proposed regulation sets forth a maximum allowable dose level (MADL) for adoption into Section 25805 that was derived using scientific methods outlined in Section 25803.

Details on the basis for the proposed level are provided in the reference cited below, which is also included in the rulemaking record. The reference is a risk assessment document prepared by OEHHA describing and summarizing the derivation of the regulatory level listed below.

The proposed regulation would adopt into Section 25805 the following regulatory level for avermectin B1, a chemical known to cause reproductive toxicity:

Chemical	MADL, in units micrograms per day	Reference
Avermectin B1	4.4	OEHHA (2011)

The risk assessment which was used by OEHHA to determine the stated level is as follows:

OEHHA, 2011: Proposition 65 Maximum Allowable Dose Level (MADL) for Developmental and Reproductive Toxicity for Avermectin B1. OEHHA Reproductive and Cancer Hazard Assessment Branch, California Environmental Protection Agency, Sacramento, May, 2011.

AUTHORITY

Health and Safety Code Section 25249.12.

REFERENCE

Health and Safety Code Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11.

**IMPACT ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

OEHHA has determined the proposed regulatory action would not impose a mandate on local agencies or school districts nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

OEHHA has determined that no savings or increased costs to any State agency will result from the proposed regulatory action.

**EFFECT ON FEDERAL FUNDING TO
THE STATE**

OEHHA has determined that no costs or savings in federal funding to the State will result from the proposed regulatory action.

EFFECT ON HOUSING COSTS

OEHHA has determined that the proposed regulatory action will have no effect on housing costs.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY AFFECTING
BUSINESS, INCLUDING ABILITY TO COMPETE**

OEHHA has made an initial determination that the adoption of the regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed MADL will provide compliance assistance for businesses subject to the Act and may save costs to businesses that would otherwise pay for the calculation of a MADL.

**IMPACT ON THE CREATION, ELIMINATION,
OR EXPANSION OF JOBS/BUSINESSES**

OEHHA has determined that the proposed regulatory action will not have any impact on the creation or elimi-

nation of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

**COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES**

The OEHHA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

OEHHA has determined that the proposed regulation will not impose any requirements on small business. Rather, the proposed regulation will assist small businesses subject to the Act in determining whether or not an exposure for which they are responsible is subject to the warning requirement or discharge prohibition.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), OEHHA must determine that no reasonable alternative considered by OEHHA or that has otherwise been identified and brought to the attention of OEHHA would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS**

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the regulation, all the critical information upon which the regulation is based, and the text of the regulation. A copy of the Initial Statement of Reasons, a copy of the text of the regulation and a copy of the risk assessment which was used by OEHHA to determine the MADL are available upon request from OEHHA's Proposition 65 Implementation Program at the address and telephone number indicated above. These documents are also posted on OEHHA's Web site at www.oehha.ca.gov.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on changed regulations and the full text will be mailed to individuals who testified

or submitted written comments at the public hearing, whose comments were received by OEHHA during the public comment period, and who request notification from OEHHA of availability of such changes. Copies of the notice and the changed regulation will also be available at OEHHA's Web site at www.oehha.ca.gov.

FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons may be obtained, when it becomes available, from OEHHA's Proposition 65 Implementation Program at the address and telephone number indicated above. The Final Statement of Reasons will also be available at OEHHA's Web site at www.oehha.ca.gov.

GENERAL PUBLIC INTEREST

TITLE 16. BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD

NOTICE IS HEREBY GIVEN that the Board for Professional Engineers, Land Surveyors, and Geologists is extending the public comment period concerning Fees (Title 16, California Code of Regulations, proposed Sections 407 and 428) until June 24, 2011. Attached is a copy of the Notice of Proposed Changes and the Specific Language for your reference. These documents are also available on the Board's website: <http://www.bpels.ca.gov>

Any interested person, or his or her authorized representative, may submit written comments no later than 5:00 p.m. on June 24, 2011 to:

Name: Debbie A. Thompson
Board: Professional Engineers, Land Surveyors, and Geologists
Address: 2535 Capitol Oaks Drive, Suite 300
Telephone: (916) 263-2269
Fax: (916) 263-2246
E-mail Address: Debbie.Thompson@dca.ca.gov

Persons who have previously submitted written comments to the Board regarding the proposed regulations need not submit comments again. Any comments previously submitted remain in the rulemaking file.

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (Proposition 65)

NOTICE TO INTERESTED PARTIES May 20, 2011

CHEMICAL LISTED EFFECTIVE May 20, 2011 AS KNOWN TO THE STATE OF CALIFORNIA TO CAUSE CANCER

The Office of Environmental Health Hazard Assessment (OEHHA) within the California Environmental Protection Agency is adding *imazalil* (CAS No. 35554-44-0) to the list of chemicals known to the state to cause cancer for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65¹). The listing of *imazalil* is effective **May 20, 2011**.

The listing of *imazalil* is based on a formal identification by an authoritative body², the U.S. Environmental Protection Agency (U.S. EPA), that the chemical causes cancer. The criteria used by OEHHA for the listing of chemicals under the "authoritative bodies" mechanism can be found in Title 27, Cal. Code of Regs., section 25306.

The documentation supporting OEHHA's determination that the criteria for administrative listing have been satisfied for this chemical is included in the Notice of Intent to List Imazalil published in the December 3, 2010 issue of the California Regulatory Notice Register (Register 2010, No. 49-Z).

A complete, updated Proposition 65 list is published elsewhere in this issue of the *California Regulatory Notice Register* and is available on the OEHHA website at <http://www.oehha.ca.gov/prop65.html>.

Chemical	CAS No.	Toxicological Endpoint	Listing Mechanism ³
Imazalil	35554-44-0	cancer	AB (U.S. EPA)

¹ Health and Safety Code, section 25249.5 et seq.

² See Health and Safety Code, section 25249.8(b) and Title 27, Cal. Code of Regs., section 25306.

³ Listing mechanism: AB — "authoritative bodies" mechanism (Title 27, Cal. Code of Regs. section 25306).

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986

**CHEMICALS KNOWN TO THE STATE
TO CAUSE CANCER OR
REPRODUCTIVE TOXICITY**

May 20, 2011

The Safe Drinking Water and Toxic Enforcement Act
of 1986 requires that the Governor revise and republish

at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals which are shown with a strikeout were placed on the list with the date noted, and have subsequently been removed.

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148-68-5	January 1, 1990
Acetaldehyde	75-07-0	April 1, 1988
Acetamide	60-35-5	January 1, 1990
Acetochlor	34256-82-1	January 1, 1989
2-Acetylaminofluorene	53-96-3	July 1, 1987
Acifluorfen sodium	62476-59-9	January 1, 1990
Acrylamide	79-06-1	January 1, 1990
Acrylonitrile	107-13-1	July 1, 1987
Actinomycin D	50-76-0	October 1, 1989
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688-53-7	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972-60-8	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309-00-2	July 1, 1988
<u>Allylchloride Delisted October 29, 1999</u>	107-05-1	January 1, 1990
2-Aminoanthraquinone	117-79-3	October 1, 1989
p-Aminoazobenzene	60-09-3	January 1, 1990
ortho-Aminoazotoluene	97-56-3	July 1, 1987
4-Aminobiphenyl (4-aminodiphenyl)	92-67-1	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81-49-2	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109-97-3	July 1, 1989
2-Aminofluorene	153-78-6	January 29, 1999
1-Amino-2-methylantraquinone	82-28-0	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712-68-5	July 1, 1987
4-Amino-2-nitrophenol	119-34-6	January 29, 1999
Amitrole	61-82-5	July 1, 1987
Amsacrine	51264-14-3	August 7, 2009
Analgesic mixtures containing phenacetin	—	February 27, 1987
Androstenedione	63-05-8	May 3, 2011
Aniline	62-53-3	January 1, 1990
Aniline hydrochloride	142-04-1	May 15, 1998
ortho-Anisidine	90-04-0	July 1, 1987
ortho-Anisidine hydrochloride	134-29-2	July 1, 1987
Antimony oxide (Antimony trioxide)	1309-64-4	October 1, 1990

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Anthraquinone	84-65-1	September 28, 2007
Aramite	140-57-8	July 1, 1987
Areca nut	—	February 3, 2006
Aristolochic acids	—	July 9, 2004
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332-21-4	February 27, 1987
Auramine	492-80-8	July 1, 1987
Azacitidine	320-67-2	January 1, 1992
Azaserine	115-02-6	July 1, 1987
Azathioprine	446-86-6	February 27, 1987
Azobenzene	103-33-3	January 1, 1990
Benthiavalicarb-isopropyl	177406-68-7	July 1, 2008
Benz[a]anthracene	56-55-3	July 1, 1987
Benzene	71-43-2	February 27, 1987
Benzidine [and its salts]	92-87-5	February 27, 1987
Benzidine-based dyes	—	October 1, 1992
Benzo[b]fluoranthene	205-99-2	July 1, 1987
Benzo[j]fluoranthene	205-82-3	July 1, 1987
Benzo[k]fluoranthene	207-08-9	July 1, 1987
Benzofuran	271-89-6	October 1, 1990
Benzo[a]pyrene	50-32-8	July 1, 1987
Benzotrichloride	98-07-7	July 1, 1987
Benzyl chloride	100-44-7	January 1, 1990
Benzyl violet 4B	1694-09-3	July 1, 1987
Beryllium and beryllium compounds	—	October 1, 1987
Betel quid with tobacco	—	January 1, 1990
Betel quid without tobacco	—	February 3, 2006
2,2-Bis(bromomethyl)-1,3-propanediol	3296-90-0	May 1, 1996
Bis(2-chloroethyl)ether	111-44-4	April 1, 1988
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornapazine)	494-03-1	February 27, 1987
Bischloroethyl nitrosourea (BCNU) (Carmustine)	154-93-8	July 1, 1987
Bis(chloromethyl)ether	542-88-1	February 27, 1987
Bis(2-chloro-1-methylethyl) ether, technical grade	—	October 29, 1999
Bitumens, extracts of steam-refined and air refined	—	January 1, 1990
Bracken fern	—	January 1, 1990
Bromate	15541-45-4	May 31, 2002
Bromochloroacetic acid	5589-96-8	April 6, 2010
Bromodichloromethane	75-27-4	January 1, 1990
Bromoethane	74-96-4	December 22, 2000
Bromoform	75-25-2	April 1, 1991
1,3-Butadiene	106-99-0	April 1, 1988
1,4-Butanediol dimethanesulfonate (Busulfan)	55-98-1	February 27, 1987
Butylated hydroxyanisole	25013-16-5	January 1, 1990
beta-Butyrolactone	3068-88-0	July 1, 1987
Cacodylic acid	75-60-5	May 1, 1996
Cadmium and cadmium compounds	—	October 1, 1987
Caffeic acid	331-39-5	October 1, 1994
Captan	2425-06-1	October 1, 1988
Captan	133-06-2	January 1, 1990
Carbaryl	63-25-2	February 5, 2010
Carbazole	86-74-8	May 1, 1996
Carbon black (airborne, unbound particles of respirable size)	1333-86-4	February 21, 2003
Carbon tetrachloride	56-23-5	October 1, 1987

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Carbon-black extracts	—	January 1, 1990
N-Carboxymethyl-N-nitrosourea	60391-92-6	January 25, 2002
Catechol	120-80-9	July 15, 2003
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990
Certain combined chemotherapy for lymphomas	—	February 27, 1987
Chlorambucil	305-03-3	February 27, 1987
Chloramphenicol	56-75-7	October 1, 1989
Chlordane	57-74-9	July 1, 1988
Chlordecone (Kepone)	143-50-0	January 1, 1988
Chlordimeform	6164-98-3	January 1, 1989
Chlorendic acid	115-28-6	July 1, 1989
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171-26-2	July 1, 1989
p-Chloroaniline	106-47-8	October 1, 1994
p-Chloroaniline hydrochloride	20265-96-7	May 15, 1998
Chlorodibromomethane <u>Delisted October 29, 1999</u>	124-48-1	January 1, 1990
Chloroethane (Ethyl chloride)	75-00-3	July 1, 1990
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU)	13010-47-4	January 1, 1988
(Lomustine)		
1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU)	13909-09-6	October 1, 1988
Chloroform	67-66-3	October 1, 1987
Chloromethyl methyl ether (technical grade)	107-30-2	February 27, 1987
3-Chloro-2-methylpropene	563-47-3	July 1, 1989
1-Chloro-4-nitrobenzene	100-00-5	October 29, 1999
4-Chloro-ortho-phenylenediamine	95-83-0	January 1, 1988
p-Chloro-o-toluidine	95-69-2	January 1, 1990
p-Chloro-o-toluidine, strong acid salts of	—	May 15, 1998
5-Chloro-o-toluidine and its strong acid salts	—	October 24, 1997
Chloroprene	126-99-8	June 2, 2000
Chlorothalonil	1897-45-6	January 1, 1989
Chlorotrianisene	569-57-3	September 1, 1996
Chlorozotocin	54749-90-5	January 1, 1992
Chromium (hexavalent compounds)	—	February 27, 1987
Chrysene	218-01-9	January 1, 1990
C.I. Acid Red 114	6459-94-5	July 1, 1992
C.I. Basic Red 9 monohydrochloride	569-61-9	July 1, 1989
C.I. Direct Blue 15	2429-74-5	August 26, 1997
C.I. Direct Blue 218	28407-37-6	August 26, 1997
C.I. Solvent Yellow 14	842-07-9	May 15, 1998
Ciclosporin (Cyclosporin A; Cyclosporine)	59865-13-3	January 1, 1992
	79217-60-0	
Cidofovir	113852-37-2	January 29, 1999
Cinnamyl anthranilate	87-29-6	July 1, 1989
Cisplatin	15663-27-1	October 1, 1988
Citrus Red No. 2	6358-53-8	October 1, 1989
Clofibrate	637-07-0	September 1, 1996
Cobalt metal powder	7440-48-4	July 1, 1992
Cobalt [II] oxide	1307-96-6	July 1, 1992
Cobalt sulfate	10124-43-3	May 20, 2005
Cobalt sulfate heptahydrate	10026-24-1	June 2, 2000
Coke oven emissions	—	February 27, 1987
Conjugated estrogens	—	February 27, 1987

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Creosotes	—	October 1, 1988
para-Cresidine	120-71-8	January 1, 1988
Cumene	98-82-8	April 6, 2010
Cupferron	135-20-6	January 1, 1988
Cycasin	14901-08-7	January 1, 1988
Cyclopenta[cd]pyrene	27208-37-3	April 29, 2011
Cyclophosphamide (anhydrous)	50-18-0	February 27, 1987
Cyclophosphamide (hydrated)	6055-19-2	February 27, 1987
Cytembena	21739-91-3	May 15, 1998
D&C Orange No. 17	3468-63-1	July 1, 1990
D&C Red No. 8	2092-56-0	October 1, 1990
D&C Red No. 9	5160-02-1	July 1, 1990
D&C Red No. 19	81-88-9	July 1, 1990
Dacarbazine	4342-03-4	January 1, 1988
Daminozide	1596-84-5	January 1, 1990
Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	117-10-2	January 1, 1992
Daunomycin	20830-81-3	January 1, 1988
DDD (Dichlorodiphenyldichloroethane)	72-54-8	January 1, 1989
DDE (Dichlorodiphenyldichloroethylene)	72-55-9	January 1, 1989
DDT (Dichlorodiphenyltrichloroethane)	50-29-3	October 1, 1987
DDVP (Dichlorvos)	62-73-7	January 1, 1989
N,N'-Diacetylbenzidine	613-35-4	October 1, 1989
2,4-Diaminoanisole	615-05-4	October 1, 1990
2,4-Diaminoanisole sulfate	39156-41-7	January 1, 1988
4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	101-80-4	January 1, 1988
2,4-Diaminotoluene	95-80-7	January 1, 1988
Diaminotoluene (mixed)	—	January 1, 1990
Diazoaminobenzene	136-35-6	May 20, 2005
Dibenz[a,h]acridine	226-36-8	January 1, 1988
Dibenz[a,j]acridine	224-42-0	January 1, 1988
Dibenz[a,h]anthracene	53-70-3	January 1, 1988
7H-Dibenzo[c,g]carbazole	194-59-2	January 1, 1988
Dibenzo[a,e]pyrene	192-65-4	January 1, 1988
Dibenzo[a,h]pyrene	189-64-0	January 1, 1988
Dibenzo[a,i]pyrene	189-55-9	January 1, 1988
Dibenzo[a,l]pyrene	191-30-0	January 1, 1988
Dibromoacetic acid	631-64-1	June 17, 2008
Dibromoacetonitrile	3252-43-5	May 3, 2011
1,2-Dibromo-3-chloropropane (DBCP)	96-12-8	July 1, 1987
2,3-Dibromo-1-propanol	96-13-9	October 1, 1994
Dichloroacetic acid	79-43-6	May 1, 1996
p-Dichlorobenzene	106-46-7	January 1, 1989
3,3'-Dichlorobenzidine	91-94-1	October 1, 1987
3,3'-Dichlorobenzidine dihydrochloride	612-83-9	May 15, 1998
1,4-Dichloro-2-butene	764-41-0	January 1, 1990
3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434-86-8	January 1, 1988
1,1-Dichloroethane	75-34-3	January 1, 1990
Dichloromethane (Methylene chloride)	75-09-2	April 1, 1988
1,2-Dichloropropane	78-87-5	January 1, 1990
1,3-Dichloro-2-propanol (1,3-DCP)	96-23-1	October 8, 2010
1,3-Dichloropropene	542-75-6	January 1, 1989
Diclofop-methyl	51338-27-3	April 6, 2010
Dieldrin	60-57-1	July 1, 1988

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Dienestrol	84-17-3	January 1, 1990
Diepoxybutane	1464-53-5	January 1, 1988
Diesel engine exhaust	—	October 1, 1990
Di(2-ethylhexyl)phthalate	117-81-7	January 1, 1988
1,2-Diethylhydrazine	1615-80-1	January 1, 1988
Diethyl sulfate	64-67-5	January 1, 1988
Diethylstilbestrol (DES)	56-53-1	February 27, 1987
Diglycidyl resorcinol ether (DGRE)	101-90-6	July 1, 1989
Dihydrosafrole	94-58-6	January 1, 1988
Diisopropyl sulfate	2973-10-6	April 1, 1993
3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119-90-4	January 1, 1988
3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325-40-0	October 1, 1990
3,3'-Dimethoxybenzidine-based dyes metabolized to 3,3'-dimethoxybenzidine	—	June 11, 2004
3,3'-Dimethylbenzidine-based dyes metabolized to 3,3'-dimethylbenzidine	—	June 11, 2004
Dimethyl sulfate	77-78-1	January 1, 1988
4-Dimethylaminoazobenzene	60-11-7	January 1, 1988
trans-2-[(Dimethylamino)methylimino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	55738-54-0	January 1, 1988
7,12-Dimethylbenz(a)anthracene	57-97-6	January 1, 1990
3,3'-Dimethylbenzidine (ortho-Tolidine)	119-93-7	January 1, 1988
3,3'-Dimethylbenzidine dihydrochloride	612-82-8	April 1, 1992
Dimethylcarbamoyl chloride	79-44-7	January 1, 1988
1,1-Dimethylhydrazine (UDMH)	57-14-7	October 1, 1989
1,2-Dimethylhydrazine	540-73-8	January 1, 1988
Dimethylvinylchloride	513-37-1	July 1, 1989
3,7-Dinitrofluoranthene	105735-71-5	August 26, 1997
3,9-Dinitrofluoranthene	22506-53-2	August 26, 1997
1,6-Dinitropyrene	42397-64-8	October 1, 1990
1,8-Dinitropyrene	42397-65-9	October 1, 1990
Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996
2,4-Dinitrotoluene	121-14-2	July 1, 1988
2,6-Dinitrotoluene	606-20-2	July 1, 1995
Di-n-propyl isocinchomeronate (MGK Repellent 326)	136-45-8	May 1, 1996
1,4-Dioxane	123-91-1	January 1, 1988
Diphenylhydantoin (Phenytoin)	57-41-0	January 1, 1988
Diphenylhydantoin (Phenytoin), sodium salt	630-93-3	January 1, 1988
Direct Black 38 (technical grade)	1937-37-7	January 1, 1988
Direct Blue 6 (technical grade)	2602-46-2	January 1, 1988
Direct Brown 95 (technical grade)	16071-86-6	October 1, 1988
Disperse Blue 1	2475-45-8	October 1, 1990
Diuron	330-54-1	May 31, 2002
Doxorubicin hydrochloride (Adriamycin)	25316-40-9	July 1, 1987
Epichlorohydrin	106-89-8	October 1, 1987
Epoxiconazole	135319-73-2	April 15, 2011
Erionite	12510-42-8/66733-21-9	October 1, 1988
Estradiol 17B	50-28-2	January 1, 1988
Estragole	140-67-0	October 29, 1999
Estrogens, steroidal	—	August 19, 2005
Estrone	53-16-7	January 1, 1988

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Estropipate	7280-37-7	August 26, 1997
Ethanol in alcoholic beverages	—	April 29, 2011
Ethinylestradiol	57-63-6	January 1, 1988
Ethoprop	13194-48-4	February 27, 2001
Ethyl acrylate	140-88-5	July 1, 1989
Ethylbenzene	100-41-4	June 11, 2004
Ethyl methanesulfonate	62-50-0	January 1, 1988
Ethyl-4,4'-dichlorobenzilate	510-15-6	January 1, 1990
Ethylene dibromide	106-93-4	July 1, 1987
Ethylene dichloride (1,2-Dichloroethane)	107-06-2	October 1, 1987
Ethylene oxide	75-21-8	July 1, 1987
Ethylene thiourea	96-45-7	January 1, 1988
Ethyleneimine	151-56-4	January 1, 1988
Fenoxycarb	72490-01-8	June 2, 2000
Folpet	133-07-3	January 1, 1989
Formaldehyde (gas)	50-00-0	January 1, 1988
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	3570-75-0	January 1, 1988
FumonisinB ₁	116355-83-0	November 14, 2003
Furan	110-00-9	October 1, 1993
Furazolidone	67-45-8	January 1, 1990
Furmecyclox	60568-05-0	January 1, 1990
Fusarin C	79748-81-5	July 1, 1995
Gallium arsenide	1303-00-0	August 1, 2008
Ganciclovir	82410-32-0	August 26, 1997
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990
Gemfibrozil	25812-30-0	December 22, 2000
Glasswool fibers (airborne particles of respirable size)	—	July 1, 1990
Glu-P-1 (2-Amino-6-methyldipyrido[1,2-a:3',2'-d]imidazole)	67730-11-4	January 1, 1990
Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole)	67730-10-3	January 1, 1990
Glycidaldehyde	765-34-4	January 1, 1988
Glycidol	556-52-5	July 1, 1990
Griseofulvin	126-07-8	January 1, 1990
Gyromitrin (Acetaldehyde methylformylhydrazone)	16568-02-8	January 1, 1988
HC Blue 1	2784-94-3	July 1, 1989
Heptachlor	76-44-8	July 1, 1988
Heptachlor epoxide	1024-57-3	July 1, 1988
Herbal remedies containing plant species of the genus Aristolochia	—	July 9, 2004
Hexachlorobenzene	118-74-1	October 1, 1987
Hexachlorobutadiene	87-68-3	May 3, 2011
Hexachlorocyclohexane (technical grade)	—	October 1, 1987
Hexachlorodibenzodioxin	34465-46-8	April 1, 1988
Hexachloroethane	67-72-1	July 1, 1990
2,4-Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)	—	March 4, 2005
Hexamethylphosphoramide	680-31-9	January 1, 1988
Hydrazine	302-01-2	January 1, 1988
Hydrazine sulfate	10034-93-2	January 1, 1988
Hydrazobenzene (1,2-Diphenylhydrazine)	122-66-7	January 1, 1988
1-Hydroxyanthraquinone	129-43-1	May 27, 2005
<u>Imazalil</u>	<u>35554-44-0</u>	<u>May 20, 2011</u>
Indeno [1,2,3-cd]pyrene	193-39-5	January 1, 1988
Indium phosphide	22398-80-7	February 27, 2001
IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180-96-6	April 1, 1990

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Iprodione	36734-19-7	May 1, 1996
Iprovalicarb	140923-17-7 140923-25-7	June 1, 2007
Iron dextran complex	9004-66-4	January 1, 1988
Isobutyl nitrite	542-56-3	May 1, 1996
Isoprene	78-79-5	May 1, 1996
Isosafrole <u>Delisted December 8, 2006</u>	120-58-1	October 1, 1989
Isoxaflutole	141112-29-0	December 22, 2000
Lactofen	77501-63-4	January 1, 1989
Lasiocarpine	303-34-4	April 1, 1988
Lead acetate	301-04-2	January 1, 1988
Lead and lead compounds	—	October 1, 1992
Lead phosphate	7446-27-7	April 1, 1988
Lead subacetate	1335-32-6	October 1, 1989
Leather dust	—	April 29, 2011
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
Lynestrenol	52-76-6	February 27, 2001
Malonaldehyde, sodium salt	24382-04-5	May 3, 2011
Mancozeb	8018-01-7	January 1, 1990
Maneb	12427-38-2	January 1, 1990
Marijuana smoke	—	June 19, 2009
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006-83-7	January 1, 1990
Medroxyprogesterone acetate	71-58-9	January 1, 1990
MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094-11-2	October 1, 1994
MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	77500-04-0	October 1, 1994
Melphalan	148-82-3	February 27, 1987
Mepanipyrin	110235-47-7	July 1, 2008
Merphalan	531-76-0	April 1, 1988
Mestranol	72-33-3	April 1, 1988
Metam potassium	137-41-7	December 31, 2010
Metham sodium	137-42-8	November 6, 1998
8-Methoxypsoralen with ultraviolet A therapy	298-81-7	February 27, 1987
5-Methoxypsoralen with ultraviolet A therapy	484-20-8	October 1, 1988
2-Methylaziridine (Propyleneimine)	75-55-8	January 1, 1988
Methylazoxymethanol	590-96-5	April 1, 1988
Methylazoxymethanol acetate	592-62-1	April 1, 1988
Methyl carbamate	598-55-0	May 15, 1998
3-Methylcholanthrene	56-49-5	January 1, 1990
5-Methylchrysene	3697-24-3	April 1, 1988
4,4' -Methylene bis(2-chloroaniline)	101-14-4	July 1, 1987
4,4' -Methylene bis(N,N-dimethyl)benzenamine	101-61-1	October 1, 1989
4,4' -Methylene bis(2-methylaniline)	838-88-0	April 1, 1988
4,4' -Methylenedianiline	101-77-9	January 1, 1988
4,4' -Methylenedianiline dihydrochloride	13552-44-8	January 1, 1988
Methyleugenol	93-15-2	November 16, 2001
Methylhydrazine and its salts	—	July 1, 1992
Methyl iodide	74-88-4	April 1, 1988
4-Methylimidazole	822-36-6	January 7, 2011
Methylmercury compounds	—	May 1, 1996
Methyl methanesulfonate	66-27-3	April 1, 1988
2-Methyl-1-nitroanthraquinone (of uncertain purity)	129-15-7	April 1, 1988
N-Methyl-N' -nitro-N-nitrosoguanidine	70-25-7	April 1, 1988
N-Methylolacrylamide	924-42-5	July 1, 1990

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Methylthiouracil	56-04-2	October 1, 1989
Metiram	9006-42-2	January 1, 1990
Metronidazole	443-48-1	January 1, 1988
Michler's ketone	90-94-8	January 1, 1988
Mirex	2385-85-5	January 1, 1988
Mitomycin C	50-07-7	April 1, 1988
MON 4660 (dichloroacetyl-1-oxa-4-azaspiro(4,5)-decane)	71526-07-3	March 22, 2011
MON 13900 (furalazole)	121776-33-8	March 22, 2011
3-Monochloropropane-1,2-diol (3-MCPD)	96-24-2	October 8, 2010
Monocrotaline	315-22-0	April 1, 1988
5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxazolidinone	139-91-3	April 1, 1988
Mustard Gas	505-60-2	February 27, 1987
MX (3-chloro-4-(dichloromethyl)-5-hydroxy-2(5H)-furanone)	77439-76-0	December 22, 2000
Nafenopin	3771-19-5	April 1, 1988
Nalidixic acid	389-08-2	May 15, 1998
Naphthalene	91-20-3	April 19, 2002
1-Naphthylamine	134-32-7	October 1, 1989
2-Naphthylamine	91-59-8	February 27, 1987
Nickel (Metallic)	7440-02-0	October 1, 1989
Nickel acetate	373-02-4	October 1, 1989
Nickel carbonate	3333-67-3	October 1, 1989
Nickel carbonyl	13463-39-3	October 1, 1987
Nickel compounds	—	May 7, 2004
Nickel hydroxide	12054-48-7; 12125-56-3	October 1, 1989
Nickelocene	1271-28-9	October 1, 1989
Nickel oxide	1313-99-1	October 1, 1989
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987
Nickel subsulfide	12035-72-2	October 1, 1987
Niridazole	61-57-4	April 1, 1988
Nitrapyrin	1929-82-4	October 5, 2005
Nitrilotriacetic acid	139-13-9	January 1, 1988
Nitrilotriacetic acid, trisodium salt monohydrate	18662-53-8	April 1, 1989
5-Nitroacenaphthene	602-87-9	April 1, 1988
5-Nitro-o-anisidine <u>Delisted December 8, 2006</u>	99-59-2	October 1, 1989
o-Nitroanisole	91-23-6	October 1, 1992
Nitrobenzene	98-95-3	August 26, 1997
4-Nitrobiphenyl	92-93-3	April 1, 1988
6-Nitrochrysene	7496-02-8	October 1, 1990
Nitrofen (technical grade)	1836-75-5	January 1, 1988
2-Nitrofluorene	607-57-8	October 1, 1990
Nitrofurazone	59-87-0	January 1, 1990
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555-84-0	April 1, 1988
N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	531-82-8	April 1, 1988
Nitrogen mustard (Mechlorethamine)	51-75-2	January 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55-86-7	April 1, 1988
Nitrogen mustard N-oxide	126-85-2	April 1, 1988
Nitrogen mustard N-oxide hydrochloride	302-70-5	April 1, 1988
Nitromethane	75-52-5	May 1, 1997
2-Nitropropane	79-46-9	January 1, 1988
1-Nitropyrene	5522-43-0	October 1, 1990
4-Nitropyrene	57835-92-4	October 1, 1990

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
N-Nitrosodi-n-butylamine	924-16-3	October 1, 1987
N-Nitrosodiethanolamine	1116-54-7	January 1, 1988
N-Nitrosodiethylamine	55-18-5	October 1, 1987
N-Nitrosodimethylamine	62-75-9	October 1, 1987
p-Nitrosodiphenylamine	156-10-5	January 1, 1988
N-Nitrosodiphenylamine	86-30-6	April 1, 1988
N-Nitrosodi-n-propylamine	621-64-7	January 1, 1988
N-Nitroso-N-ethylurea	759-73-9	October 1, 1987
3-(N-Nitrosomethylamino)propionitrile	60153-49-3	April 1, 1990
4-(N-Nitrosomethylamino)-1-(3-pyridyl)-1-butanone	64091-91-4	April 1, 1990
N-Nitrosomethylethylamine	10595-95-6	October 1, 1989
N-Nitroso-N-methylurea	684-93-5	October 1, 1987
N-Nitroso-N-methylurethane	615-53-2	April 1, 1988
N-Nitrosomethylvinylamine	4549-40-0	January 1, 1988
N-Nitrosomorpholine	59-89-2	January 1, 1988
N-Nitrosornicotine	16543-55-8	January 1, 1988
N-Nitrosopiperidine	100-75-4	January 1, 1988
N-Nitrosopyrrolidine	930-55-2	October 1, 1987
N-Nitrososarcosine	13256-22-9	January 1, 1988
o-Nitrotoluene	88-72-2	May 15, 1998
Norethisterone (Norethindrone)	68-22-4	October 1, 1989
Norethynodrel	68-23-5	February 27, 2001
Ochratoxin A	303-47-9	July 1, 1990
Oil Orange SS	2646-17-5	April 1, 1988
Oral contraceptives, combined	—	October 1, 1989
Oral contraceptives, sequential	—	October 1, 1989
Oryzalin	19044-88-3	September 12, 2008
Oxadiazon	19666-30-9	July 1, 1991
Oxazepam	604-75-1	October 1, 1994
Oxymetholone	434-07-1	January 1, 1988
Oxythioquinox (Chinomethionat)	2439-01-2	August 20, 1999
Palygorskite fibers (> 5µm in length)	12174-11-7	December 28, 1999
Panfuran S	794-93-4	January 1, 1988
Pentachlorophenol	87-86-5	January 1, 1990
Phenacetin	62-44-2	October 1, 1989
Phenazopyridine	94-78-0	January 1, 1988
Phenazopyridine hydrochloride	136-40-3	January 1, 1988
Phenesterin	3546-10-9	July 1, 1989
Phenobarbital	50-06-6	January 1, 1990
Phenolphthalein	77-09-8	May 15, 1998
Phenoxybenzamine	59-96-1	April 1, 1988
Phenoxybenzamine hydrochloride	63-92-3	April 1, 1988
o-Phenylenediamine and its salts	95-54-5	May 15, 1998
Phenyl glycidyl ether	122-60-1	October 1, 1990
Phenylhydrazine and its salts	—	July 1, 1992
o-Phenylphenate, sodium	132-27-4	January 1, 1990
o-Phenylphenol	90-43-7	August 4, 2000
PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine)	105650-23-5	October 1, 1994
Pirmicarb	23103-98-2	July 1, 2008
Polychlorinated biphenyls	—	October 1, 1989
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
Polychlorinated dibenzo-p-dioxins	—	October 1, 1992

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Polychlorinated dibenzofurans	—	October 1, 1992
Polygeenan	53973-98-1	January 1, 1988
Ponceau MX	3761-53-3	April 1, 1988
Ponceau 3R	3564-09-8	April 1, 1988
Potassium bromate	7758-01-2	January 1, 1990
Pirimicarb	23103-98-2	July 1, 2008
Primidone	125-33-7	August 20, 1999
Procarbazine	671-16-9	January 1, 1988
Procarbazine hydrochloride	366-70-1	January 1, 1988
Procymidone	32809-16-8	October 1, 1994
Progesterone	57-83-0	January 1, 1988
Pronamide	23950-58-5	May 1, 1996
Propachlor	1918-16-7	February 27, 2001
1,3-Propane sultone	1120-71-4	January 1, 1988
Propargite	2312-35-8	October 1, 1994
beta-Propiolactone	57-57-8	January 1, 1988
Propoxur	114-26-1	August 11, 2006
Propylene glycol mono- <i>t</i> -butyl ether	57018-52-7	June 11, 2004
Propylene oxide	75-56-9	October 1, 1988
Propylthiouracil	51-52-5	January 1, 1988
Pymetrozine	123312-89-0	March 22, 2011
Pyridine	110-86-1	May 17, 2002
Quinoline and its strong acid salts	—	October 24, 1997
Radionuclides	—	July 1, 1989
Reserpine	50-55-5	October 1, 1989
Residual (heavy) fuel oils	—	October 1, 1990
Resmethrin	10453-86-8	July 1, 2008
Riddelliine	23246-96-0	December 3, 2004
Saccharin <u>Delisted April 6, 2001</u>	81-07-2	October 1, 1989
Saccharin, sodium <u>Delisted January 17, 2003</u>	128-44-9	January 1, 1988
Safrole	94-59-7	January 1, 1988
Salted fish, Chinese-style	—	April 29, 2011
Selenium sulfide	7446-34-6	October 1, 1989
Shale-oils	68308-34-9	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Spirodiclofen	148477-71-8	October 8, 2010
Spironolactone	52-01-7	May 1, 1997
Stanozolol	10418-03-8	May 1, 1997
Sterigmatocystin	10048-13-2	April 1, 1988
Streptozotocin (streptozocin)	18883-66-4	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Styrene oxide	96-09-3	October 1, 1988
Sulfallate	95-06-7	January 1, 1988
Sulfasalazine (Salicylazosulfapyridine)	599-79-1	May 15, 1998
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540-29-1	September 1, 1996
Terrazole	2593-15-9	October 1, 1994
Testosterone and its esters	58-22-0	April 1, 1988
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	1746-01-6	January 1, 1988
1,1,2,2-Tetrachloroethane	79-34-5	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	127-18-4	April 1, 1988

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
p-a,a,a-Tetrachlorotoluene	5216-25-1	January 1, 1990
Tetrafluoroethylene	116-14-3	May 1, 1997
Tetranitromethane	509-14-8	July 1, 1990
Thioacetamide	62-55-5	January 1, 1988
4,4'-Thiodianiline	139-65-1	April 1, 1988
Thiodicarb	59669-26-0	August 20, 1999
Thiouracil	141-90-2	June 11, 2004
Thiourea	62-56-6	January 1, 1988
Thorium dioxide	1314-20-1	February 27, 1987
Tobacco, oral use of smokeless products	—	April 1, 1988
Tobacco smoke	—	April 1, 1988
Toluene diisocyanate	26471-62-5	October 1, 1989
ortho-Toluidine	95-53-4	January 1, 1988
ortho-Toluidine hydrochloride	636-21-5	January 1, 1988
para-Toluidine <u>Delisted October 29, 1999</u>	106-49-0	January 1, 1990
Toxaphene (Polychlorinated camphenes)	8001-35-2	January 1, 1988
Toxins derived from <i>Fusarium moniliforme</i> (<i>Fusarium verticillioides</i>)	—	August 7, 2009
Treosulfan	299-75-2	February 27, 1987
S,S,S-Tributyl phosphorotrithioate (Tribufos, DEF)	78-48-8	February 25, 2011
Trichlormethine (Trimustine hydrochloride)	817-09-4	January 1, 1992
Trichloroethylene	79-01-6	April 1, 1988
2,4,6-Trichlorophenol	88-06-2	January 1, 1988
1,2,3-Trichloropropane	96-18-4	October 1, 1992
Trimethyl phosphate	512-56-1	May 1, 1996
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
2,4,6-Trinitrotoluene (TNT)	118-96-7	December 19, 2008
Triphenyltin hydroxide	76-87-9	July 1, 1992
Tris(aziridinyl)-para-benzoquinone (Triaziquone) <u>Delisted December 8, 2006</u>	68-76-8	October 1, 1989
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	52-24-4	January 1, 1988
Tris(2-chloroethyl) phosphate	115-96-8	April 1, 1992
Tris(2,3-dibromopropyl)phosphate	126-72-7	January 1, 1988
Trp-P-1 (Tryptophan-P-1)	62450-06-0	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	62450-07-1	April 1, 1988
Trypan blue (commercial grade)	72-57-1	October 1, 1989
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66-75-1	April 1, 1988
Urethane (Ethyl carbamate)	51-79-6	January 1, 1988
Vanadium pentoxide (orthorhombic crystalline form)	1314-62-1	February 11, 2005
Vinclozolin	50471-44-8	August 20, 1999
Vinyl bromide	593-60-2	October 1, 1988
Vinyl chloride	75-01-4	February 27, 1987
4-Vinylcyclohexene	100-40-3	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106-87-6	July 1, 1990
Vinyl fluoride	75-02-5	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79-00-5	October 1, 1990
Wood dust	—	December 18, 2009
2,6-Xylidine (2,6-Dimethylaniline)	87-62-7	January 1, 1991
Zalcitabine	7481-89-2	August 7, 2009
Zidovudine (AZT)	30516-87-1	December 18, 2009

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Zileuton	111406-87-2	December 22, 2000
Zineb <u>Delisted October 29, 1999</u>	12122-67-7	January 1, 1990

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CASNo.</u>	<u>Date Listed</u>
Acetazolamide	developmental	59-66-5	August 20, 1999
Acetohydroxamic acid	developmental	546-88-3	April 1, 1990
Acrylamide	developmental, male	79-06-1	February 25, 2011
Actinomycin D	developmental	50-76-0	October 1, 1992
All-trans retinoic acid	developmental	302-79-4	January 1, 1989
Alprazolam	developmental	28981-97-7	July 1, 1990
Altretamine	developmental, male	645-05-6	August 20, 1999
Amantadine hydrochloride	developmental	665-66-7	February 27, 2001
Amikacin sulfate	developmental	39831-55-5	July 1, 1990
Aminoglutethimide	developmental	125-84-8	July 1, 1990
tert-Amyl methyl ether	developmental	994-05-8	December 18, 2009
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54-62-6	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774-82-4	August 26, 1997
Amitraz	developmental	33089-61-1	March 30, 1999
Amoxapine	developmental	14028-44-5	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117-37-3	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50-78-2	July 1, 1990
Atenolol	developmental	29122-68-7	August 26, 1997
Auranofin	developmental	34031-32-8	January 29, 1999
Avermectin B1 (Abamectin)	developmental	71751-41-2	December 3, 2010
Azathioprine	developmental	446-86-6	September 1, 1996
Barbiturates	developmental	—	October 1, 1992
Beclomethasone dipropionate	developmental	5534-09-8	May 15, 1998
Benomyl	developmental, male	17804-35-2	July 1, 1991
Benzene	developmental, male	71-43-2	December 26, 1997
Benzodiazepines	developmental	—	October 1, 1992
Benzphetamine hydrochloride	developmental	5411-22-3	April 1, 1990
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154-93-8	July 1, 1990
Bromacil lithium salt	developmental male	53404-19-6	May 18, 1999 January 17, 2003
1-Bromopropane	developmental, female, male	106-94-5	December 7, 2004
2-Bromopropane	female, male	75-26-3	May 31, 2005
Bromoxynil	developmental	1689-84-5	October 1, 1990

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Bromoxynil octanoate	developmental	1689-99-2	May 18, 1999
Butabarbital sodium	developmental	143-81-7	October 1, 1992
1,3-Butadiene	developmental, female, male	106-99-0	April 16, 2004
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55-98-1	January 1, 1989
Butyl benzyl phthalate (BBP)	developmental	85-68-7	December 2, 2005
n-Butyl glycidyl ether	male	2426-08-6	August 7, 2009
Cadmium	developmental, male	—	May 1, 1997
Carbamazepine	developmental	298-46-4	January 29, 1999
Carbaryl	developmental, male	63-25-2	August 7, 2009
Carbon disulfide	developmental, female, male	75-15-0	July 1, 1989
Carbon monoxide	developmental	630-08-0	July 1, 1989
Carboplatin	developmental	41575-94-4	July 1, 1990
Chenodiol	developmental	474-25-9	April 1, 1990
Chlorambucil	developmental	305-03-3	January 1, 1989
Chlorcyclizine hydrochloride	developmental	1620-21-9	July 1, 1987
Chlordecone (Kepone)	developmental	143-50-0	January 1, 1989
Chlordiazepoxide	developmental	58-25-3	January 1, 1992
Chlordiazepoxide hydrochloride	developmental	438-41-5	January 1, 1992
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010-47-4	July 1, 1990
Chloroform	developmental	67-66-3	August 7, 2009
2-Chloropropionic acid	male	598-78-7	August 7, 2009
Chlorsulfuron	developmental, female, male	64902-72-3	May 14, 1999
Chromium (hexavalent compounds)	developmental, female, male	—	December 19, 2008
Cidofovir	developmental, female, male	113852-37-2	January 29, 1999
Cladribine	developmental	4291-63-8	September 1, 1996
Clarithromycin	developmental	81103-11-9	May 1, 1997
Clobetasol propionate	developmental, female	25122-46-7	May 15, 1998
Clomiphene citrate	developmental	50-41-9	April 1, 1990
Clorazepate dipotassium	developmental	57109-90-7	October 1, 1992
Cocaine	developmental, female	50-36-2	July 1, 1989
Codeine phosphate	developmental	52-28-8	May 15, 1998
Colchicine	developmental, male	64-86-8	October 1, 1992
Conjugated estrogens	developmental	—	April 1, 1990
Cyanazine	developmental	21725-46-2	April 1, 1990
Cycloate	developmental	1134-23-2	March 19, 1999
Cyclohexanol	male	108-93-0	November 6, 1998
<u>Delisted January 25, 2002</u>			
Cycloheximide	developmental	66-81-9	January 1, 1989
Cyclophosphamide (anhydrous)	developmental, female, male	50-18-0	January 1, 1989
phosphamide (hydrated)	developmental, female, male	6055-19-2	January 1, 1989
Cyhexatin	developmental	13121-70-5	January 1, 1989
Cytarabine	developmental	147-94-4	January 1, 1989
Dacarbazine	developmental	4342-03-4	January 29, 1989
Danazol	developmental	17230-88-5	April 1, 1990
Daunorubicin hydrochloride	developmental	23541-50-6	July 1, 1990
2,4-D butyric acid	developmental, male	94-82-6	June 18, 1999
o,p' -DDT	developmental, female, male	789-02-6	May 15, 1998
p,p' -DDT	developmental, female, male	50-29-3	May 15, 1998

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
2,4 DP (dichloroprop) <u>Delisted January 25, 2002</u>	developmental	120-36-5	April 27, 1999
Demeclocycline hydrochloride (internal use)	developmental	64-73-3	January 1, 1992
Diazepam	developmental	439-14-5	January 1, 1992
Diazoxide	developmental	364-98-7	February 27, 2001
1,2-Dibromo-3-chloropropane (DBCP)	male	96-12-8	February 27, 1987
Di-n-butyl phthalate (DBP)	developmental, female, male	84-74-2	December 2, 2005
Dichloroacetic acid	male	79-43-6	August 7, 2009
1,1-Dichloro-2,2-bis(p-chlorophenyl) ethylene (DDE)	developmental, male	72-55-9	March 30, 2010
Dichlorophene	developmental	97-23-4	April 27, 1999
Dichlorophenamide	developmental	120-97-8	February 27, 2001
Diclofop methyl	developmental	51338-27-3	March 5, 1999
Dicumarol	developmental	66-76-2	October 1, 1992
Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117-81-7	October 24, 2003
Diethylstilbestrol (DES)	developmental	56-53-1	July 1, 1987
Diflunisal	developmental, female	22494-42-4	January 29, 1999
Diglycidyl ether	male	2238-07-5	August 7, 2009
Di-n-hexyl phthalate (DnHP)	female, male	84-75-3	December 2, 2005
Dihydroergotamine mesylate	developmental	6190-39-2	May 1, 1997
Di-isodecyl phthalate (DIDP)	developmental	68515-49-1/ 26761-40-0	April 20, 2007
Diltiazem hydrochloride	developmental	33286-22-5	February 27, 2001
N,N-Dimethylacetamide	developmental	127-19-5	May 21, 2010
m-Dinitrobenzene	male	99-65-0	July 1, 1990
o-Dinitrobenzene	male	528-29-0	July 1, 1990
p-Dinitrobenzene	male	100-25-4	July 1, 1990
2,4-Dinitrotoluene	male	121-14-2	August 20, 1999
2,6-Dinitrotoluene	male	606-20-2	August 20, 1999
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Dinocap	developmental	39300-45-3	April 1, 1990
Dinoseb	developmental, male	88-85-7	January 1, 1989
Diphenylhydantoin (Phenytoin)	developmental	57-41-0	July 1, 1987
Disodium cyanodithioimidocarbonate	developmental	138-93-2	March 30, 1999
Doxorubicin hydrochloride (Adriamycin)	developmental, male	25316-40-9	January 29, 1999
Doxycycline (internal use)	developmental	564-25-0	July 1, 1990
Doxycycline calcium (internal use)	developmental	94088-85-4	January 1, 1992
Doxycycline hyclate (internal use)	developmental	24390-14-5	October 1, 1991
Doxycycline monohydrate (internal use)	developmental	17086-28-1	October 1, 1991
Endrin	developmental	72-20-8	May 15, 1998
Environmental tobacco smoke (ETS)	developmental	—	June 9, 2006
Epichlorohydrin	male	106-89-8	September 1, 1996
Ergotamine tartrate	developmental	379-79-3	April 1, 1990
Estropipate	developmental	7280-37-7	August 26, 1997
Ethionamide	developmental	536-33-4	August 26, 1997
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Ethyl-tert-butyl ether	male	637-92-3	December 18, 2009
Ethyl dipropylthiocarbamate	developmental	759-94-4	April 27, 1999

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Ethylene dibromide	developmental, male	106-93-4	May 15, 1998
Ethylene glycol monoethyl ether	developmental, male	110-80-5	January 1, 1989
Ethylene glycol monomethyl ether	developmental, male	109-86-4	January 1, 1989
Ethylene glycol monoethyl ether acetate	developmental, male	111-15-9	January 1, 1993
Ethylene glycol monomethyl ether acetate	developmental, male	110-49-6	January 1, 1993
Ethylene oxide	female	75-21-8	February 27, 1987
	developmental, male		August 7, 2009
Ethylene thiourea	developmental	96-45-7	January 1, 1993
2-Ethylhexanoic acid	developmental	149-57-5	August 7, 2009
Etodolac	developmental, female	41340-25-4	August 20, 1999
Etoposide	developmental	33419-42-0	July 1, 1990
Etretinate	developmental	54350-48-0	July 1, 1987
Fenoxaprop ethyl	developmental	66441-23-4	March 26, 1999
Filgrastim	developmental	121181-53-1	February 27, 2001
Fluazifop butyl	developmental	69806-50-4	November 6, 1998
Flunisolide	developmental, female	3385-03-3	May 15, 1998
Fluorouracil	developmental	51-21-8	January 1, 1989
Fluoxymesterone	developmental	76-43-7	April 1, 1998
Flurazepam hydrochloride	developmental	1172-18-5	October 1, 1992
Flurbiprofen	developmental, female	5104-49-4	August 20, 1999
Flutamide	developmental	13311-84-7	July 1, 1990
Fluticasone propionate	developmental	80474-14-2	May 15, 1998
Fluvalinate	developmental	69409-94-5	November 6, 1998
Ganciclovir	developmental, male	82410-32-0	August 26, 1997
Ganciclovir sodium	developmental, male	107910-75-8	August 26, 1997
Gemfibrozil	female, male	25812-30-0	August 20, 1999
Goserelin acetate	developmental, female, male	65807-02-5	August 26, 1997
Halazepam	developmental	23092-17-3	July 1, 1990
Halobetasol propionate	developmental	66852-54-8	August 20, 1999
Haloperidol	developmental, female	52-86-8	January 29, 1999
Halothane	developmental	151-67-7	September 1, 1996
Heptachlor	developmental	76-44-8	August 20, 1999
Hexachlorobenzene	developmental	118-74-1	January 1, 1989
Hexafluoroacetone	male	684-16-2	August 1, 2008
Hexamethylphosphoramide	male	680-31-9	October 1, 1994
Histrelin acetate	developmental	—	May 15, 1998
Hydramethylnon	developmental, male	67485-29-4	March 5, 1999
Hydroxyurea	developmental	127-07-1	May 1, 1997
Idarubicin hydrochloride	developmental, male	57852-57-0	August 20, 1999
Ifosfamide	developmental	3778-73-2	July 1, 1990
Iodine-131	developmental	10043-66-0	January 1, 1989
Isotretinoin	developmental	4759-48-2	July 1, 1987
Lead	developmental, female, male	—	February 27, 1987
Leuprolide acetate	developmental, female, male	74381-53-6	August 26, 1997
Levodopa	developmental	59-92-7	January 29, 1999
Levonorgestrel implants	female	797-63-7	May 15, 1998
Linuron	developmental	330-55-2	March 19, 1999
Lithium carbonate	developmental	554-13-2	January 1, 1991
Lithium citrate	developmental	919-16-4	January 1, 1991
Lorazepam	developmental	846-49-1	July 1, 1990
Lovastatin	developmental	75330-75-5	October 1, 1992

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Mebendazole	developmental	31431-39-7	August 20, 1999
Medroxyprogesterone acetate	developmental	71-58-9	April 1, 1990
Megestrol acetate	developmental	595-33-5	January 1, 1991
Melphalan	developmental	148-82-3	July 1, 1990
Menotropins	developmental	9002-68-0	April 1, 1990
Meprobamate	developmental	57-53-4	January 1, 1992
Mercaptopurine	developmental	6112-76-1	July 1, 1990
Mercury and mercury compounds	developmental	—	July 1, 1990
Methacycline hydrochloride	developmental	3963-95-9	January 1, 1991
Metham sodium	developmental	137-42-8	May 15, 1998
Methazole	developmental	20354-26-1	December 1, 1999
Methimazole	developmental	60-56-0	July 1, 1990
Methotrexate	developmental	59-05-2	January 1, 1989
Methotrexate sodium	developmental	15475-56-6	April 1, 1990
Methyl bromide as a structural fumigant	developmental	74-83-9	January 1, 1993
Methyl chloride	developmental male	74-87-3	March 10, 2000 August 7, 2009
Methyl n-butyl ketone	male	591-78-6	August 7, 2009
Methyl isocyanate (MIC)	developmental, female	624-83-9	November 12, 2010
Methyl mercury	developmental	—	July 1, 1987
N-Methylpyrrolidone	developmental	872-50-4	June 15, 2001
Methyltestosterone	developmental	58-18-4	April 1, 1990
Metiram	developmental	9006-42-2	March 30, 1999
Midazolam hydrochloride	developmental	59467-96-8	July 1, 1990
Minocycline hydrochloride (internal use)	developmental	13614-98-7	January 1, 1992
Misoprostol	developmental	59122-46-2	April 1, 1990
Mitoxantrone hydrochloride	developmental	70476-82-3	July 1, 1990
Molinate	developmental, female, male	2212-67-1	December 11, 2009
Myclobutanil	developmental, male	88671-89-0	April 16, 1999
Nabam	developmental	142-59-6	March 30, 1999
Nafarelin acetate	developmental	86220-42-0	April 1, 1990
Neomycin sulfate (internal use)	developmental	1405-10-3	October 1, 1992
Netilmicin sulfate	developmental	56391-57-2	July 1, 1990
Nickel carbonyl	developmental	13463-39-3	September 1, 1996
Nicotine	developmental	54-11-5	April 1, 1990
Nifedipine	developmental, female, male	21829-25-4	January 29, 1999
Nimodipine	developmental	66085-59-4	April 24, 2001
Nitrapyrin	developmental	1929-82-4	March 30, 1999
Nitrobenzene	male	98-95-3	March 30, 2010
Nitrofurantoin	male	67-20-9	April 1, 1991
Nitrogen mustard (Mecholethamine)	developmental	51-75-2	January 1, 1989
Nitrogen mustard hydrochloride (Mecholethamine hydrochloride)	developmental	55-86-7	July 1, 1990
Nitrous oxide	developmental	10024-97-2	August 1, 2008
Norethisterone (Norethindrone)	developmental	68-22-4	April 1, 1990
Norethisterone acetate (Norethindrone acetate)	developmental	51-98-9	October 1, 1991
Norethisterone (Norethindrone) /Ethinyl estradiol	developmental	68-22-4/ 57-63-6	April 1, 1990

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Norethisterone (Norethindrone)/Mestranol	developmental	68-22-4/ 72-33-3	April 1, 1990
Norgestrel	developmental	6533-00-2	April 1, 1990
Oxadiazon	developmental	19666-30-9	May 15, 1998
Oxazepam	developmental	604-75-1	October 1, 1992
p,p'-Oxybis(benzenesulfonyl hydrazide)	developmental	80-51-3	August 7, 2009
Oxydemeton methyl	female, male	301-12-2	November 6, 1998
Oxymetholone	developmental	434-07-1	May 1, 1997
Oxytetracycline (internal use)	developmental	79-57-2	January 1, 1991
Oxytetracycline hydrochloride (internal use)	developmental	2058-46-0	October 1, 1991
Oxythioquinox (Chinomethionat)	developmental	2439-01-2	November 6, 1998
Paclitaxel	developmental, female, male	33069-62-4	August 26, 1997
Paramethadione	developmental	115-67-3	July 1, 1990
Penicillamine	developmental	52-67-5	January 1, 1991
Pentobarbital sodium	developmental	57-33-0	July 1, 1990
Pentostatin	developmental	53910-25-1	September 1, 1996
Phenacemide	developmental	63-98-9	July 1, 1990
Phenprocoumon	developmental	435-97-2	October 1, 1992
Phenyl glycidyl ether	male	122-60-1	August 7, 2009
Phenylphosphine	developmental	638-21-1	August 7, 2009
Pimozide	developmental, female	2062-78-4	August 20, 1999
Pipobroman	developmental	54-91-1	July 1, 1990
Plicamycin	developmental	18378-89-7	April 1, 1990
Polybrominated biphenyls	developmental	—	October 1, 1994
Polychlorinated biphenyls	developmental	—	January 1, 1991
Potassium dimethyldithiocarbamate	developmental	128-03-0	March 30 1999
Pravastatin sodium	developmental	81131-70-6	March 3, 2000
Prednisolone sodium phosphate	developmental	125-02-0	August 20, 1999
Procarbazine hydrochloride	developmental	366-70-1	July 1, 1990
Propargite	developmental	2312-35-8	June 15, 1999
Propylthiouracil	developmental	51-52-5	July 1, 1990
Pyrimethamine	developmental	58-14-0	January 29, 1999
Quazepam	developmental	36735-22-5	August 26, 1997
Quizalofop-ethyl	male	76578-14-8	December 24, 1999
Resmethrin	developmental	10453-86-8	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/ retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental male	36791-04-5 36791-04-5	April 1, 1990 February 27, 2001
Rifampin	developmental, female	13292-46-1	February 27, 2001
Secobarbital sodium	developmental	309-43-3	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Sodium dimethyldithiocarbamate	developmental	128-04-1	March 30 1999
Sodium fluoroacetate	male	62-74-8	November 6, 1998
Streptomycin sulfate	developmental	3810-74-0	January 1, 1991

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Streptozocin (streptozotocin)	developmental, female, male	18883-66-4	August 20, 1999
Sulfasalazine (Salicylazosulfapyridine)	male	599-79-1	January 29, 1999
Sulindac	developmental, female	38194-50-2	January 29, 1999
Tamoxifen citrate	developmental	54965-24-1	July 1, 1990
Temazepam	developmental	846-50-4	April 1, 1990
Teniposide	developmental	29767-20-2	September 1, 1996
Terbacil	developmental	5902-51-2	May 18, 1999
Testosterone cypionate	developmental	58-20-8	October 1, 1991
Testosterone enanthate	developmental	315-37-7	April 1, 1990
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	developmental	1746-01-6	April 1, 1991
Tetracycline (internal use)	developmental	60-54-8	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64-75-5	January 1, 1991
Thalidomide	developmental	50-35-1	July 1, 1987
Thioguanine	developmental	154-42-7	July 1, 1990
Thiophanate methyl	female, male	23564-05-8	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842-07-1	July 1, 1990
Toluene	developmental female	108-88-3	January 1, 1991 August 7, 2009
Triadimefon	developmental, female, male	43121-43-3	March 30, 1999
Triazolam	developmental	28911-01-5	April 1, 1990
Tributyltin methacrylate	developmental	2155-70-6	December 1, 1999
Trientine hydrochloride	developmental	38260-01-4	February 27, 2001
Triforine	developmental	26644-46-2	June 18, 1999
1,3,5-Triglycidyl-s-triazinetriene	male	2451-62-9	August 7, 2009
Trilostane	developmental	13647-35-3	April 1, 1990
Trimethadione	developmental	127-48-0	January 1, 1991
Trimetrexate glucuronate	developmental	82952-64-5	August 26, 1997
Triphenyltin hydroxide	developmental	76-87-9	March 18, 2002
Uracil mustard	developmental, female, male	66-75-1	January 1, 1999
Urethane	developmental	51-79-6	October 1, 1994
Urofollitropin	developmental	97048-13-0	April 1, 1990
Valproate (Valproic acid)	developmental	99-66-1	July 1, 1987
Vinblastine sulfate	developmental	143-67-9	July 1, 1990
Vinclozolin	developmental	50471-44-8	May 15, 1998
Vincristine sulfate	developmental	2068-78-2	July 1, 1990
4-Vinylcyclohexene	female, male	100-40-03	August 7, 2009
Vinyl cyclohexene dioxide (4-Vinyl-1-cyclohexene diepoxide)	female, male	106-87-6	August 1, 2008
Warfarin	developmental	81-81-2	July 1, 1987
Zileuton	developmental, female	111406-87-2	December 22, 2000

Date: May 20, 2011

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY OFFICE OF
ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)**

**NOTICE TO INTERESTED PARTIES
May 20, 2011**

**PRIORITIZATION: CHEMICALS IDENTIFIED
FOR CONSULTATION WITH THE
PROPOSITION 65 DEVELOPMENTAL AND
REPRODUCTIVE TOXICANT
IDENTIFICATION COMMITTEE**

This notice announces the beginning of the public comment period on the five chemicals listed below. These chemicals will be discussed at the next meeting of the Proposition 65 Developmental and Reproductive Toxicant Identification Committee (DARTIC). The DARTIC is the state's qualified experts on reproductive toxicity for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986¹ (Proposition 65). The DARTIC's next meeting is scheduled for Tuesday and Wednesday, July 12 and 13, 2011, when the DARTIC will provide OEHHA with advice on the prioritization of these chemicals for possible preparation of hazard identification materials. At a later date, OEHHA will select chemicals for preparation of hazard identification materials and announce those decisions in a separate notice. **No listing decisions will be made for these chemicals at the July 12 and 13 meetings.**

The Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of Proposition 65. OEHHA has screened several hundred chemicals in the OEHHA tracking database for evidence of reproductive toxicity hazard as well as potential human exposure in California. This initial screening follows the procedure described in the 2004 "Process for Prioritizing Chemicals for Consideration under Proposition 65 by the State's Qualified Experts," which is available at http://www.oehha.ca.gov/prop65/CRNR_notices/state_listing/pdf/finalPriordoc.pdf.

OEHHA first screened candidate chemicals in the tracking database to identify chemicals that have been found in humans, and then screened that subset of candidate chemicals for those that have a substantial amount of relevant toxicological animal data. Utilization of these screens was discussed at the October 21, 2010 meeting of the DARTIC. A summary of the October 21 meeting is available at http://www.oehha.ca.gov/prop65/public_meetings/DART_Oct2010.html. Based on this preliminary evaluation, OEHHA identified the five chemicals listed below for committee discussion, advice and possible preparation of hazard identification materials for consideration at future DARTIC meetings.

The five chemicals are:

- Benzo[a]pyrene
- Deltamethrin
- Methyl parathion
- Uranium
- Xylene

On July 12, the meeting will be held in the Auditorium at the Secretary of State building, 1500 11th Street in Sacramento, California and on July 13, the meeting will be held in the Coastal Hearing Room, Cal/EPA Headquarters building, 1001 I Street in Sacramento, California. The meeting will begin at 10:00 a.m. and end at 4:30 p.m. on Tuesday and begin at 9:00 a.m. and end when all business is conducted or until 5:00 p.m. on Wednesday. The agenda for the meeting will be provided in a future public notice published in advance of the meeting.

Copies of the summaries of available scientific information on the chemicals and related attachments are available on OEHHA's web site at <http://www.oehha.ca.gov/prop65.html>, or may be requested by calling (916) 445-6900.

Interested parties may provide comment on the extent of the scientific evidence pertaining to the selection and priority of any of these chemicals for possible preparation of hazard identification materials. **OEHHA must receive comments and any supporting documentation by 5:00 p.m. on Monday, June 20, 2011.** We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to coshita@oehha.ca.gov. Comments submitted in paper form may be mailed, faxed, or delivered in person to the addresses below:

Mailing Address: Ms. Cynthia Oshita
Office of Environmental Health
Hazard Assessment
P.O. Box 4010, MS-19B
Sacramento, California
95812-4010
Fax: (916) 323-8803

¹ Health and Safety Code section 25249.5 et seq.

Street Address: 1001 I Street
Sacramento, California 95814

OEHHA will organize and index the comments received and forward the information to the DARTIC members prior to the July 12 and 13 meetings at which the chemicals will be considered.

RULEMAKING PETITION DECISION

TITLE 18. STATE BOARD OF EQUALIZATION

NOTICE OF DECISION AS REQUIRED BY GOVERNMENT CODE SECTION 11340.7

On March 21, 2011, the California State Board of Equalization (Board) received a petition from Mr. Stephen H. Bennett requesting that the Board amend California Code of Regulations, title 18, sections (Property Tax Rules) 462.060, *Change in Ownership — Life Estates and Estates for Years*, 462.100, *Change in Ownership — Leases*, 462.160, *Change in Ownership — Trusts*, 462.180, *Change in Ownership — Legal Entities*, and 462.260, *Date of Change in Ownership*. However, Mr. Bennett subsequently revised his petition so that it was limited to his request that the Board amend Property Tax Rule 462.260.

The revised petition requested that the Board amend Property Tax Rule 462.260 to “prohibit assessors from violating the due process rights of real property taxpayers who acquired their interest in real property prior to the enactment of Part 0.5 of the Property Tax Division [titled *Implementation of Article XIII A of the California Constitution . . .*]” (pt. 0.5 of div. 1 of the Rev. & Tax Code).

Government Code section 15606, subdivision (c) authorizes the Board to adopt regulations governing county assessors when assessing property for property tax purposes and local boards of equalization when equalizing the assessed value of property, and all of the Property Tax Rules referred to in the petition were adopted pursuant to that authority.

The Board’s Legal Department reviewed the petition before it was limited to the requested amendments to Property Tax Rule 462.260 and prepared a Chief Counsel Memorandum dated April 13, 2011, which recommended that the Board deny the petition because all of the requested amendments were: (1) based on an incorrect understanding of basic tenets of California property tax law; (2) contrary to judicial precedent and long-standing legal interpretations of Board staff; (3) effec-

tively repetitive of the amendments the petitioner requested be made to Property Tax Rule 462.160 in his petition dated December 31, 2010, which was unanimously denied by the Board on January 27, 2011 (see Cal. Reg. Notice Register 2011, No. 6–Z, p. 170); and (4) nothing in the current petition supported a different result. Then the Board scheduled the petition for consideration at its regularly scheduled April meeting, and made the petition, including subsequent addendums submitted by Mr. Bennett, and the Chief Counsel Memorandum available to the public by posting them on the Board’s Website.

The Board received a written comment from Andrea Sheridan Ordin, County Counsel for Los Angeles County, dated April 18, 2011, recommending that the Board deny Mr. Bennett’s petition for the same reasons as set forth in the Chief Counsel Memorandum. During its April meeting, the Board heard comments from Douglass Wacker, Lake County Assessor–Recorder and President of the California Assessors’ Association, Barbara Edginton, Assessment Manager for the San Luis Obispo County Assessor’s Office, and Board staff recommending that the Board deny the revised petition for the same reasons as set forth in the Chief Counsel Memorandum and the Board unanimously voted to deny the revised petition. That decision was based on the Board’s conclusion that Property Tax Rule 462.260 is consistent with the provisions of part 0.5 of division 1 (commencing with section 50) of the Revenue and Taxation Code, *Steinhart v. County of Los Angeles* (2010) 147 Cal.4th 1298, and *Phelps v. Orange County Assessment Appeals Board No. 1* (2010) 187 Cal.App.4th 653 and does not violate taxpayers’ rights to due process.

Interested persons have a right to obtain a copy of the petition and may do so by contacting Mr. Rick Bennion at P.O. Box 942879, 450 N Street, MIC: 80, Sacramento, CA 94279–0080; Telephone (916) 445–2130; Fax (916) 324–3984; or E–mail Richard.Bennion@boe.ca.gov.

Questions regarding this matter should be directed to Tax Counsel IV Richard Moon at (949) 440–3486 or Richard.Moon@boe.ca.gov.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State,

Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2011-0408-04

BOARD OF CHIROPRACTIC EXAMINERS

Continuing Education and Annual License Renewals

The Board of Chiropractic Examiners adopted sections 360, 363.1 and 370, amended and renumbered sections 355, 355.5, 356, 356.5, 357, 358, 359 and 360, and repealed section 355.2 of title 16 of the California Code of Regulations pertaining to continuing education and license renewal.

Title 16

California Code of Regulations

ADOPT: 360, 363.1, 370 AMEND: 355 now 371, 356 now 361, 356.5 to 362, 357 now 363, 358 now 364, 360 now 366, 355.1 now 372, 359 now 365 REPEAL: 355.2

Filed 05/09/2011

Effective 06/08/2011

Agency Contact: Dixie Van Allen (916) 263-5329

File# 2011-0325-03

COMMISSION ON STATE MANDATES

Mandate Redetermination Process

This certificate of compliance makes permanent the prior emergency regulatory action (OAL file no. 2010-1118-04EFP) that established a new process for redetermining existing mandates. Under this process, the Commission may adopt a new test claim decision to supersede a previously adopted test claim decision only upon a showing that the state's liability for that test claim decision pursuant to subdivision (a) of Section 6 of Article XIII B of the California Constitution has been modified based on a "subsequent change in law," as defined in Government Code section 17570 (Stats. 2010, c. 719, sec. 33; SB 856). As part of the certificate of compliance action, the Commission also amended a section to include the definition of "subsequent change in law" and amended another section to require the Commission's executive director to issue sequential case numbers, by fiscal year, for "Request to Adopt a New Test Claim Decision to Supersede an Existing Test Claim Decision (NTCD)" new filings. Pursuant to Government Code section 17527, subdivision (g), this regulatory action is exempt from OAL's review.

Title 2

California Code of Regulations

ADOPT: 1190, 1190.01, 1190.02, 1190.03, 1190.04, 1190.05 AMEND: 1181.1, 1181.2

Filed 05/04/2011

Effective 06/03/2011

Agency Contact: Heidi Palchik (916) 323-8218

File# 2011-0322-02

DEPARTMENT OF CORPORATIONS

SEC Rule 3a4-1 (People v. Cole)

This action clarifies the exclusion of persons classified as "associated persons of an issuer" from the specification of persons subject to the requirement of licensure as a broker-dealer by adopting the comparable regulation of the Securities Exchange Commission, so long as such associated persons have not done any of the acts listed in Corporations Code section 25212 as grounds for denying, revoking or suspending the certificate of a broker-dealer.

Title 10

California Code of Regulations

ADOPT: 260.004.1

Filed 05/04/2011

Effective 06/03/2011

Agency Contact: Karen Fong (916) 322-3553

File# 2011-0329-01

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Administrative Segregation

This is a nonsubstantive action replacing an incorrect, non-existent internal cross-reference citation with the correct one.

Title 15

California Code of Regulations

AMEND: 3335

Filed 05/11/2011

Agency Contact: Josh Jugum (916) 445-2228

File# 2011-0426-02

DEPARTMENT OF PESTICIDE REGULATION

Methyl Iodide: Restricted Material/VOC/TAC

This is the certification of compliance for an emergency action that added the pesticide compound methyl iodide to the list of restricted materials, limits field fumigation using pesticides containing methyl iodide during the ozone nonattainment season to the use of methods identified in the product labeling and obliges persons who use methyl iodide to keep a record of the method used to apply it.

Title 3

California Code of Regulations

ADOPT: 6446, 6446.1 AMEND: 6400, 6452.4, 6624, 6860

Filed 05/11/2011

Agency Contact:

Linda Irokawa-Otani (916) 445-3991

File# 2011-0427-02

FISH AND GAME COMMISSION

Ocean Salmon Sport Fishing

The Fish and Game Commission amended section 27.80 of title 14 of the California Code of Regulations to set the 2011 ocean salmon sport fishing season.

Title 14
California Code of Regulations
AMEND: 27.80
Filed 05/11/2011
Effective 05/11/2011
Agency Contact:
Sherrie Fonbuena (916) 654-9866

File# 2011-0325-01
PUBLIC UTILITIES COMMISSION
Rules of Practice and Procedure

This action amends thirty-four sections in Title 20 of the California Code of Regulations governing the Public Utilities Commission's Rules of Practice and Procedure.

Title 20
California Code of Regulations
ADOPT: 8.2 AMEND: 1.4, 1.5, 1.6, 1.8, 1.9, 1.10, 1.13, 1.15, 2.4, 2.5, 2.6, 3.1, 3.2, 4.1, 4.2, 4.3, 7.2, 8.1, 8.3, 8.4, 8.5, 8.6, 10.2, 13.7, 14.1, 14.2, 14.3, 14.5, 14.6, 16.1, 16.2, 16.6, Table of Filing Fees REPEAL: 8.5
Filed 05/09/2011
Effective 06/08/2011
Agency Contact: Hallie Yacknin (415) 703-1675

File# 2011-0324-01
STATE WATER RESOURCES CONTROL BOARD
Colorado Lagoon Toxicity TMDL

At a hearing on October 1, 2009, the Los Angeles Regional Water Quality Control Board adopted Resolution No. R09-005, an amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan). This Basin Plan amendment establishes a Total Maximum Daily Load (TMDL) for organochlorine pesticides, polychlorinated biphenyls, sediment toxicity, polycyclic aromatic hydrocarbons, and metals for Colorado Lagoon. The amendment also identifies the parties responsible for implementing the new wasteload allocations, and includes reporting, monitoring, and TMDL implementation timelines.

Title 23
California Code of Regulations
ADOPT: 3939.38
Filed 05/06/2011
Effective 05/06/2011
Agency Contact: Nick Martorano (916) 341-5980

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN December 15, 2010 TO
May 11, 2011**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

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03/03/11	AMEND: 375	05/09/11	ADOPT: 8.2 AMEND: 1.4, 1.5, 1.6, 1.8, 1.9, 1.10, 1.13, 1.15, 2.4, 2.5, 2.6, 3.1, 3.2, 4.1, 4.2, 4.3, 7.2, 8.1, 8.3, 8.4, 8.5, 8.6, 10.2, 13.7, 14.1, 14.2, 14.3, 14.5, 14.6, 16.1, 16.2, 16.6, Table of Filing Fees REPEAL: 8.5
03/03/11	AMEND: 117	03/24/11	ADOPT: 2700, 2701, 2702, 2703, 2704
03/01/11	AMEND: 1399.157, 1399.160.3, 1399.160.6		
02/23/11	AMEND: 400, 401, 404, 463.5, 3000, 3003, 3021, 3065		

Title 21

01/25/11 AMEND: 6680

Title 22

04/25/11 AMEND: 2708(c)-1

04/21/11 AMEND: 60400, 60401, 60403, 60445, 60455, 64416, 64426, 64432, 64449, 64449.2, 64575, Appendix 64465-E

04/12/11 AMEND: 66264.90, 66264.94, 66264.97, 66264.98, 66264.99, 66264.100, 66265.90, 66265.91, 66265.97, 66265.98, 66265.99

03/22/11 AMEND: 66250, 66250.1, 66250.2

02/15/11 ADOPT: 4451 AMEND: 4400, 4401.5, 4405, 4417, 4427, 4429, 4447

01/10/11 AMEND: 51510, 51510.1, 51510.2, 51510.3, 51511, 51511.5, 51511.6, 51535, 51535.1, 51544, 54501

01/10/11 ADOPT: 52000, 52100, 52101, 52102, 52104, 52500, 52501, 52502, 52503, 52504, 52505, 52506, 52507, 52508, 52509, 52510, 52511, 52512, 52513, 52514, 52515, 52516, 52600 REPEAL: 52103

12/22/10 REPEAL: 65700, 65700.2, 65700.6, 65700.8, 65700.10, 65700.12, 65710, 65715, 65720, 65725, 65730, 65735, 65740, 65745, 65750, 65755

12/21/10 ADOPT: 64417, 64418, 64418.1, 64418.2, 64418.3, 64418.4, 64418.5, 64418.6, 64418.7

12/15/10 AMEND: 100105

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05/06/11 ADOPT: 3939.38

04/04/11 ADOPT: 3990

03/17/11 ADOPT: 3949.7

01/19/11 ADOPT: 3775.5, 3776, 3779.5 AMEND: 3720, 3721, 3722, 3723, 3730, 3733, 3740, 3741, 3742, 3750, 3751, 3762, 3763, 3775, 3777, 3778, 3779, 3780, 3781 (Appendices A and C) REPEAL: 3760, 3761, 3764, 3776, 3782

01/18/11 ADOPT: 5000

01/03/11 ADOPT: 3919.9

12/23/10 ADOPT: 3939.37

12/20/10 ADOPT: 907, 910, 915, 920, 921, 925, 929, 930

12/17/10 ADOPT: 596, 596.1, 596.2, 596.3, 596.4, 596.5

12/15/10 AMEND: 3943

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03/07/11 AMEND: 5002, 5010, 5040

02/18/11 ADOPT: 1013, 1052, 1119, 1757, 1759, 2013, 2052, 2119, 2757, 2759 AMEND: 1002, 1008, 1018, 1104, 1118, 1180, 1211, 1333, 1334, 1334.2, 1336.1, 1346, 1377, 1426, 1429, 1432, 1446, 1450, 1458, 1464, 1468, 1474, 1498, 1500, 1502, 1504, 1506, 1612, 1618, 1750, 1752, 1754, 1756, 1758, 2002, 2008, 2018, 2104, 2118, 2211, 2230, 2334, 2346, 2426, 2429, 2432, 2468, 2474, 2498, 2500, 2502, 2504, 2506, 2612, 2750, 2752, 2754, 2756, 2758 REPEAL: 1613, 1615, 1616, 2613, 2615, 2616

02/10/11 ADOPT: 4313 AMEND: 4300, 4302, 4304, 4306, 4308, 4310, 4312, 4314, 4316, 4318, 4320, 4322, 4324

01/28/11 AMEND: 3070, 4204, 4210, 4212

01/26/11 ADOPT: 7980, 7980.1, 7980.2, 7980.3

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03/30/11 AMEND: 25805

03/17/11 AMEND: 25801, 25803

02/16/11 AMEND: 27001

01/26/11 AMEND: 25705

01/26/11 AMEND: 25705

12/16/10 AMEND: 25805

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02/15/11 AMEND: 16-015, 16-120, 16-601 REPEAL: 16-315

01/31/11 AMEND: 31-021

12/22/10 AMEND: 42-302, 42-712, 42-713